




Experience With The Department of Commerce Voluntary Consumer Product Information Labeling Program





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Foreword

This comprehensive report describes the origin of the Voluntary Consumer Product Information Labeling Program (CPILP), the problems it encountered, and the reasons why it was suspended before sufficient evidence had been gained so as to adequately evaluate the program on its merits.

It is believed that future events, spearheaded by a progressive resurgence of the American economy, will lead to renewed interest in the program and a lifting of its suspension. When that occurs appropriate revisions to the program's procedures should be made, together with a requisite commitment of essential resources, in order to take advantage of the lessons learned in the all-too-brief experimental phase of the program as described in this report. Properly designed, conducted and adequately supported, the program should provide considerable return on the investments to consumers and to manufacturers of quality products.

The overall administration of CPILP was provided by the Office of Product Standards, a policy arm and constituent operating unit of the Assistant Secretary of Commerce for Science and Technology. Technical support for CPILP was furnished by the National Bureau of Standards (particularly the Center for Consumer Product Technology), a primary operating unit of the Office of the Assistant Secretary for Science and Technology.

A handwritten signature in dark ink, reading "Howard I. Forman". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Howard I. Forman
Deputy Assistant Secretary
for Product Standards

August 1979

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Executive Summary

In the consumer product marketplace there are complex technical problems relating to the development of product standards and test methods, the evaluation of product performance, and the establishment of means by which consumers may compare the attributes of the various products available to them. The extent to which Federal Government programs should address these technical problems has been and still is the subject of controversy. Starting about fifteen years ago, the consumer product marketplace experienced an increase in the relative influence of consumers and consumer organizations. This influence was expressed in part through the passage of a series of Congressional bills addressing consumer problems.

The Department of Commerce, and its National Bureau of Standards (NBS) became involved in problems related to consumer product technology, notable examples relating to product safety and product energy usage. The first complete outline for a DOC voluntary product performance labeling program was completed in November 1972. Due to the energy crisis, this program was redirected towards energy efficiency of appliances, and the broader program was not reinitiated until the later part of 1975.

The proposed procedures for the Voluntary Consumer Product Information Labeling Program (CPILP) were developed and published for public comment in the Federal Register on May 25, 1976. In response to the publication of the proposed procedures, seventy-five letters of comment were submitted by the public and twenty-two persons testified at hearings on the proposed program. The public comments did not cause any major revisions, therefore the final procedures, published on May 25, 1977, were substantially the same as the proposed procedures.

Since the comments and hearings had shown some concern about the need for the program, the Department decided to initiate the program on an experimental pilot basis. This would provide an opportunity to learn how such a program could be most useful and to evaluate its acceptance by manufacturers and consumers for two products before a commitment to a continuing program was made. CPILP was intended to be a self supporting program depending upon fees paid for the use of the labels. Since the pilot program was designed to be a learning experience and an opportunity to evaluate the acceptance and usefulness of the program, the procedures were amended to allow the Secretary of Commerce to suspend the fees, at least during the pilot period.

Requests for products to be included in the labeling program were solicited from the general public (including consumers, manufacturers, distributors and other government agencies). Requests for a total of 145 different products or product categories were suggested for inclusion in the program. Because of the time constraints of the pilot program, the possible products were limited to those for which test methods were thought to be available or for which it seemed important that they be labeled, even if incompletely, at an early date. Nine product classes were selected for further examination.

These were:

- Carpeting
- Dry cell batteries
- Electric irons
- Home insulation
- Luggage
- Paint
- Plumbing fittings
- Smoke detectors
- Vacuum cleaners.

Preliminary investigations were conducted on the feasibility of including the above product categories in the labeling program. However, on only two of the above products, thermal insulation and smoke detectors, was the decision made to proceed further than the preliminary investigations. The primary reason was the lack of sufficient or adequate test methods to make the performance labeling of the product meaningful.

The Finding of Need to Label Thermal Insulation for Homes, was published in the Federal Register on December 14, 1977, and a Proposed Specification for such labeling was published on May 31, 1978. A Finding of Need to Label Residential Smoke Detectors was also submitted to the Department of Commerce. However, the decision to suspend CPILP was made before the Smoke Detector Finding of Need was published, and the Federal Register notice of the suspension of the program also included a notice withdrawing the proposed specification for thermal insulation.

The original concept of a product labeling program emphasized the development and/or adaptation of test methods for rating the performance of the consumer products. To insure that these test methods would be acceptable to manufacturers and consumers, the test methods generally would be developed in a consensus mode. This consensus mode is a time consuming process. Because of the one-year pilot program limitation,

test method development could not be permitted, and emphasis was placed on finding products that were important to consumers and for which test methods were already available. No products were found which fully met these conditions. Also, for the program to be successful, a vigorous public education program was needed to publicize its existence and purpose, and methods would be required to evaluate the usefulness of the performance labeling of products to consumers. It was not possible to initiate these parts of the program during the pilot period.

When it became apparent that it would be impossible to successfully complete the labeling of two products within the one-year pilot program, requests were made to extend the program to the end of fiscal year 1979. Although the request to extend the program was approved, funding was reduced to less than 30% of the amount requested. This amount would have marginally allowed for the completion of the labeling of two products, but would have been insufficient: to initiate any public education activity; to significantly extend the contacts with manufacturers; or to properly evaluate the progress, successes and failures of the program. Under these circumstances, it was decided that:

1. Efforts to develop new labeling specifications for specific products be discontinued.
2. A summary and analysis of comments on the proposed labeling specification for thermal insulation for homes be completed.
3. An announcement suspending CPILP be published in the Federal Register. This notice should include a summary of accomplishments and problems of the pilot program.
4. A report be prepared to document the efforts of the program and to provide a useful basis for making any decisions regarding future Government efforts to provide performance labeling programs for consumer products.

A notice formally suspending the program was published in the Federal Register on April 2, 1979.

Based upon the limited experience with a few products, the following recommendations for any future voluntary effort to label performance characteristics of consumer products are made:

1. A primary concern must be the locating or developing of test methods for the various performance characteristics of interest. Both manufacturers and consumers should be involved in any development effort. Whenever practical, the needed test methods should be developed in conjunction with a recognized consensus standards developing organization (e.g. ANSI, ASTM, etc.).
2. Provision should be made at an early date to carry on a vigorous public education program.
3. Because of the relatively long period of time required to develop labeling specifications, gain manufacturer participation, and build up consumer usage, a voluntary labeling program should be allowed five years before being finally judged. Funding of the program, by whatever sources are deemed most appropriate, should be assured for at least that amount of time before the program is commenced. At the end of that period it is expected that a fair and objective evaluation of the merits of the program to both manufacturers and consumers could be made.
4. Close contacts with manufacturers must be encouraged, particularly with regard to test methods, methods of ratings and establishment of a schedule of fees. If the conduct of a program such as CPILP is not to be dependent upon public funding, reliance must be placed upon an equitable scheduling of fees with proven cost/benefit ratios acceptable to manufacturers.
5. Consumers and consumer advocate groups must be fully involved in all phases of the program, from product selection to program evaluation.

1. Introduction

On May 25, 1977, the Department of Commerce published Procedures for a Voluntary Consumer Product Information Labeling Program (CPILP) to become effective on June 24 of that year (42 FR 26647). This program had the goal of making available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form. The program was also expected to help educate consumers, distributors and retailers in the use of product performance information, to provide manufacturers with a means for conveying to the public the particular advantages of their products in a manner that would gain consumer acceptance and to help facilitate the making of informed decisions by consumers.

The program was initiated due to the perceived difficulty that consumers have in making rational and accurate marketplace decisions because of the lack of comparative, easily comprehensive information on important product performance characteristics at point of sale. Because about one-third of the witnesses who testified at the hearings held to determine whether to institute the program were opposed to it, the Department of Commerce decided to initiate this program on an experimental pilot basis. This approach was used to provide an opportunity to learn how such a program could be most useful and to evaluate its acceptance by manufacturers and consumers for two products before a commitment to a continuing program was made. It was intended to evaluate the program at the end of one year before deciding whether to continue it as a permanent program. Experience showed that a year did not allow sufficient time to canvass consumers, manufacturers and other interested parties: to determine which products should be selected as candidates for labeling under the program; to develop acceptable test procedures; to have the labeled products enter the marketplace; and then to evaluate the effectiveness of the program in terms of product performance and sales acceptance as perceived by manufacturers and consumers.

The all too brief pilot program did not permit time to develop test methods for objectively measuring product performance characteristics. Recognizing this problem, it became necessary to search for products that were of singularly significant interest to consumers, products whose manufacturers could be expected to cooperate with the program and for which acceptable test methods for rating the most important performance characteristics already existed.

This task proved to be formidable, and the above conditions were not completely met by any of the nine products that were examined in some depth. In particular, test methods that could be used to measure adequately the characteristics of interest and that were acceptable to most manufacturers and consumers generally were not available. It became evident that a more significant effort than had been expected would be required to provide such test methods. By the time the year long pilot program was over it became clear that a minimum of about 5 years would be required to test the effectiveness and acceptance of the program. The economic pressures of the day were causing the Administration to cut back programs of long standing. It was not surprising, therefore, that the decision was made to suspend CPILP indefinitely.

2. Background

Among the complexities of the consumer product marketplace are certain technical problems relating to the development of product standards and test methods, the evaluation of product performance, and the establishment of means by which both large-scale and individual consumers may knowledgeably compare the attributes of the various products available to them. The extent to which Government programs and activities should address these technical problems has been the subject of controversy for many years, and the debate still continues. In particular, the National Bureau of Standards (NBS) frequently has been criticized by members of the scientific community, government, industry, business and consumer organizations for being either too closely involved in, or too distantly withdrawn from (or sometimes both simultaneously) the technical problems of the marketplace. Some of the early controversies, described in some detail in Measures for Progress, A History of the National Bureau of Standards [1], were sufficiently traumatic to cause NBS to adopt a very cautious approach to consumer product related problems.

Starting about fifteen years ago, the consumer product marketplace experienced an increase in the relative influence of consumers and consumer organizations. This influence was expressed in part through the passage of a series of bills addressing consumer problems and in the insertion of consumer-oriented provisions in bills addressing other national problems such as the energy shortage. For example, a landmark of consumer influence was the passage, after years of debate, of the Fair Packaging and Labeling Act in 1966. Other recent legislation that was influenced significantly by consumers includes the Child Protection Act (1966), Highway Safety Act (1966), National Commission on Product Safety (1967), Fire Research

and Safety Act (1968), Consumer Credit Protection Act (Truth in Lending) (1968), Child Protection and Toy Safety Act (1969), Public Health Cigarette Smoking Act (1969), Poison Prevention Packaging Act (1970), Lead-Based Paint Elimination Act (1970), Environmental Protection Agency Act (1970), Motor Vehicle Information and Cost Savings Act (1972), Consumer Product Safety Act (1972), Noise Control Act (1972), Fire Prevention and Control Act (1974), Magnuson-Moss Warranty Act (1975), Energy Policy and Conservation Act (1975), Energy Conservation and Production Act (1976), Consumer Goods Pricing Act (1977), and the National Energy Act (1978). The defeat of the Agency for Consumer Advocacy Bill in 1978 was interpreted by some as being a landmark of successful business-industry opposition to some aspects of this stream of consumer-oriented legislation. Although the defeat of the Consumer Advocacy Bill was a major set-back for the consumer movement, it is anticipated that the introduction of consumer-oriented legislation in the Congress will continue.

The flow of consumer-oriented legislation resulted in increased interaction between Federal agencies and other participants in marketplace activities. The Department of Commerce, through NBS, became increasingly involved in problems related to consumer product technology, particularly with regard to product safety and product energy usage. This work included working closely with other agencies, particularly regulatory agencies, in the development of test methodologies. This involvement increased to the point where it became practicable and desirable to establish in 1974 a Center for Consumer Product Technology within NBS. The function of the Center was to manage the various consumer product related programs and to attempt to anticipate future developments in that program area. It was within this general framework of legislated responsibilities in consumer product technology that the Department became involved in consumer product performance labeling.

The Origin of CPILP. The first of the specific events that led to the development of CPILP was President Nixon's consumer message of October 30, 1969. That message, the content of which had been coordinated with the Department of Commerce, contained the following passage:

"No matter how alert and resourceful a purchaser may be, he is relatively helpless unless he has adequate, trustworthy information about the product he is considering and knows what to make of that information. The fullest product description is useless if a consumer lacks the understanding or the will to use it."

In support of this passage, the Administration in 1969 introduced in the 91st Congress the first of a series of consumer product test method bills. Similar bills were introduced in each succeeding Congress. None of these bills has passed.

The various consumer product test method bills introduced were intended to require that consumer product performance test methods be developed and that the product performance measurements made through the use of these test methods be furnished to consumers by various means -- chiefly by product labeling. The bills usually prescribed a major role for NBS in the development of the needed test methods. If passed, some of the bills would have resulted in the establishment of voluntary labeling programs, while others would have made such labeling mandatory. Hearings were held in connection with the consideration of some of the bills. Officials of the Department testified at these hearings, generally supporting the idea of developing needed consumer product performance test methods and providing consumers with objective product performance information. The Department consistently favored the concept of voluntary labeling programs as opposed to mandatory programs.

The testimony of the Department with regard to product performance labeling was based on studies of programs existing at that time. In particular, several European voluntary programs appeared to be promising: these are described in detail in European Informative Labeling [2] and Consumer Information Handbook: Europe and North America [3], books which became available in 1973 and 1974. The Department, particularly NBS, corresponded with the agencies responsible for the major European programs, studied available literature and discussed performance labeling problems with a number of consultants. Existing Federal labeling programs, special-purpose rather than general product performance labeling programs, were also examined. Many of these were described concisely in Background Document for Product Noise Labeling [4]. These studies resulted in a concept for the type of product performance labeling program suitable for use in the United States, if any such program were to be adopted.

Even after the consumer product test method bills failed to pass in the 91st and 92nd Congresses, interest in such programs remained high at the Department of Commerce. In June, 1972, the DoC General Counsel advised the Secretary that, in his opinion, DoC had sufficient authority to carry out a voluntary consumer product labeling program without

special legislation. He recommended that such a program be undertaken, and the Assistant Secretary for Science and Technology supported his recommendation. At NBS, the study of performance labeling programs continued, with the first outline for a DoC program being completed in November, 1972.

Appliance Energy Labeling. As plans for a possible labeling program were being developed, the energy crisis came into being and caused a rethinking of program priorities. President Nixon's Energy Message of April, 1973, which had been coordinated with DoC, directed that DoC develop a voluntary program for the labeling of household appliances and equipment with respect to their energy efficiency. The existing program plans were revised to meet this new objective.

The appliance industry cooperated fully in the development and implementation of the appliance energy labeling program. The program procedures were developed quickly and room air conditioners, for which energy usage measurements were already published by a trade association, were labeled within about one year. The labeling of other products progressed more slowly. The schedule of major documents published was as follows:

DOCUMENT	<u>Date Published in Federal Register</u>	
	PROPOSED DOCUMENT	FINAL DOCUMENT
Program procedures	6-5-73	10-26-73
Room air conditioner labeling	1-31-74	5-1-74
Refrigerator labeling	12-31-74	8-1-75
Refrigerator-freezer labeling	12-31-74	8-1-75
Freezer labeling	12-31-74	8-1-75
Water heater labeling	8-14-75	Not published
Clothes dryer labeling	12-12-75	Not published

The final procedures for this program constitute 15 CFR Part 9. Letters received in response to publication of the proposed procedures, and an analysis of these letters, are available for inspection or copying in the DoC Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW, Washington, D.C. 20230.

Further detail on the initial operation of the program is provided in Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation: Annual Report for Calendar Year 1974 [5].

In March, 1975, a related voluntary appliance energy efficiency program that did not involve labeling was also initiated by the Department of Commerce. This program, which provided efficiency targets for manufacturers, was largely based on information developed during the course of the voluntary labeling program. During 1975, proposed efficiency targets for twelve major appliances were published in the Federal Register. This program was superseded by a mandatory program, and was therefore terminated on April 5, 1976. A public docket on this program is available for inspection or copying at the DoC Central Reference and Records Inspection Facility at the address previously provided.

The passage of the Energy Policy and Conservation Act (1975) and the Energy Conservation and Production Act (1976) by the 94th Congress established requirements that mandatory appliance labeling and appliance efficiency programs be developed and administered by the Federal Trade Commission and the Federal Energy Administration (now Department of Energy) respectively. In April, 1976, it was announced that the voluntary energy efficiency program was rescinded and that the voluntary energy labeling program would be maintained only until it had been supplanted by the required mandatory program. However, the mandatory programs, which are still under development, are not patterned directly after the DoC/NBS programs which were supported by the Appliance Industry. Many aspects of the new programs have been and are being criticized and, in fact, some of the program requirements were revised with passage of the National Energy Act (1978).

A Decision for CPILP. Though the voluntary appliance energy programs had to be abandoned, the favorable industry response to those programs increased the Department's interest in a more general voluntary consumer product performance labeling program. A new outline for a possible voluntary DoC/NBS program was completed in September, 1975, and a draft initiative for the program was submitted for approval in November, 1975. In the meantime, a new consumer product test method bill detailing a mandatory labeling program was introduced in the 94th Congress. DoC officials testified on that bill in November, 1975. However, this bill did not pass, and the decision was made to initiate a voluntary DoC/NBS program, provided that adequate public support could be demonstrated.

3. The Development of CPILP

The Concept in 1975. The consumer product performance information labeling program envisioned by the Department of Commerce in 1975 was patterned largely after the European -- particularly the Swedish and German -- programs. Only those performance characteristics measurable by objective means would be shown on labels, existing standards and test methods would be used wherever possible, manufacturers would be responsible for measuring the performance of their own products and for the accuracy of those measurements, and there would be no minimum performance levels imposed by the labeling program. Labeling specifications were to be developed by the Department of Commerce with the assistance and cooperation of all interested parties, including consumers. The DoC program would not cover food and drugs, automobiles, or other products already covered by comprehensive labeling programs or regulations of other Government agencies. The penalty for mislabeling under the program would be removal of the guilty party from the program, after due consideration. However, parties who mislabeled might also be susceptible to legal action, e.g. by the Federal Trade Commission.

A number of questions about the program still existed. For example, should the program be considered a general benefit for all consumers, to be supported by general funds, or should it be considered a particular benefit only for the manufacturers and consumers of labeled products, and therefore be supported by product labeling fees? And who should select the products to be labeled, (a) the program administrators, or (b) an advisory committee of manufacturers, consumers, and other interested parties? Also, it was realized that although the benefits of the development and use of standardized performance measurements were being demonstrated in the marketplace every day, the need for a Federal labeling program of this type had not been proven conclusively. It was felt that the public should have ample opportunity to comment on such questions.

Development of the Procedures. Proposed procedures for the Voluntary Consumer Product Information Labeling Program (CPILP) were developed and published for public comment in the Federal Register on May 25, 1976 (41 FR 21389, see Appendix A). The procedures provided for the establishment of fees for labeling. The use of an advisory committee to select products to be labeled was not planned. The proposed procedures were accompanied by a notice listing several areas in which comments would be particularly appreciated. In addition, public hearings were held in Los Angeles, Chicago, and Washington, D.C. in June, 1976, to provide further opportunity for public comment. The hearings were chaired by the Assistant Secretary for Science and Technology.

In response to the publication of the proposed procedures, seventy-five letters of comment were submitted by the public and twenty-two persons testified at the hearings. The categories of respondents and the principal issues they discussed are shown in Table 1. The comments are summarized and analyzed in Summary and Analysis of Public Comments on Proposed Procedures for a Voluntary Consumer Product Information Labeling Program [6]. The letters and the analysis are available for inspection or copying in the DoC Central Reference and Records Inspection Facility at the address previously provided.

The most significant aspect of the public comment was the divergence of opinion as to whether CPILP should be initiated. In general, large corporations and trade associations opposed initiation of the program. These organizations, sensitive to the manner in which the voluntary appliance energy labeling program had been replaced by a program mandated by legislation, protested that initiation of a voluntary general labeling program might pave the way for initiation of a mandatory program. Consumers, consumer organizations, smaller manufacturers, and government agencies generally favored initiation of the proposed voluntary program. With regard to the actual provisions of the procedures, the public comment did not indicate that any major revisions were required. Therefore, the final procedures were not substantially different from the proposed procedures.

In 1976 and early 1977, organizational and personnel changes were made at DoC and NBS that brought a number of new people into active involvement with the program. These changes, some of which were occasioned by the results of the 1976 general election, necessarily delayed the progress of CPILP and resulted in the reexamination of some of its structure. When the final program procedures were approved in May, 1977, program operation was approved on a one-year pilot basis and only six of the originally planned twenty-four personnel slots became available. During the pilot program, two consumer products were to be labeled. Since test methods and product labeling specifications could not be developed within that time frame, this meant that initially only products for which test methods already existed could be labeled. The thrust of the program was thus changed from one of developing needed test methods to one of deploying labels as quickly as possible based on existing test methods. The final procedures and the accompanying notice were published in the Federal Register on May 25, 1977, (42 FR 26647) exactly one year after the proposed procedures had been published (See Appendix B).

TABLE I

Number of Respondents Who Commented
on Principal Issues, by Respondent Category

	A. Need for the Proposed Program	B. Effect on Product Price, Quality and Availability	C. Methods of Selecting Products to be Covered	D. Methods of Evaluating Label Designs	E. Approaches to Consumer Education	F. Benefits to Manufacturers	G. Method of Establishing Fees	H. Procedures for Certifying Ratings & Monitoring Program
a. Private Citizens (34)	34	8	10	1	1	0	0	1
b. Consumer Organizations (6)	6	5	5	5	3	4	3	2
c. Retailers (2)	2	2	0	1	1	1	0	0
d. Manufacturers (26)	23	10	13	2	2	7	2	4
e. Trade Associations (14)	14	11	4	0	4	6	2	2
f. Testing Laboratories (2)	2	1	1	1	0	0	0	1
g. Consulting Organizations (1)	1	0	0	1	1	0	0	0
h. Educators (4)	4	0	1	0	1	1	0	0
i. Government Agencies (8)	8	2	4	1	3	2	1	2
TOTAL COMMENTS ON EACH TOPIC	94	39	38	12	16	21	8	12

In an attempt to increase manufacturer support for the program, the procedures were amended on November 4, 1977, (42 FR 57686) to permit the Secretary to suspend the establishment of fees and charges, at least for the duration of the pilot program, (see Appendix B). Although the program originally had been designed to become self-sustaining in just a few years by charging fees, because of the need to get some experience with the program during the pilot year it was decided that suspension of the fees was desirable as an added inducement to manufacturers to participate in what amounted to an experiment.

The procedures as first published stated that product performance characteristics which are labeled under other Federal programs would not be included on CPILP labels for the specified product. However, it became evident during the work on labeling of thermal insulation, discussed in a subsequent section of this report, that CPILP could potentially simplify Federal labeling requirements for manufacturers by including on CPILP labels all or many of the characteristics covered by other Federal programs, providing CPILP requirements were compatible with the requirements of the other Federal programs. The procedures were amended on March 1, 1978, (43 FR 8254) to permit the inclusion of characteristics covered by other Federal programs on CPILP labels, providing the involved Federal agency agreed to such inclusion (see Appendix B).

The two amendments to the procedures did not attract much public comment when proposed. The letters of comment received and the analyses of the comments are available for public inspection or copying in the DoC Central Reference and Records Inspection Facility at the address previously given.

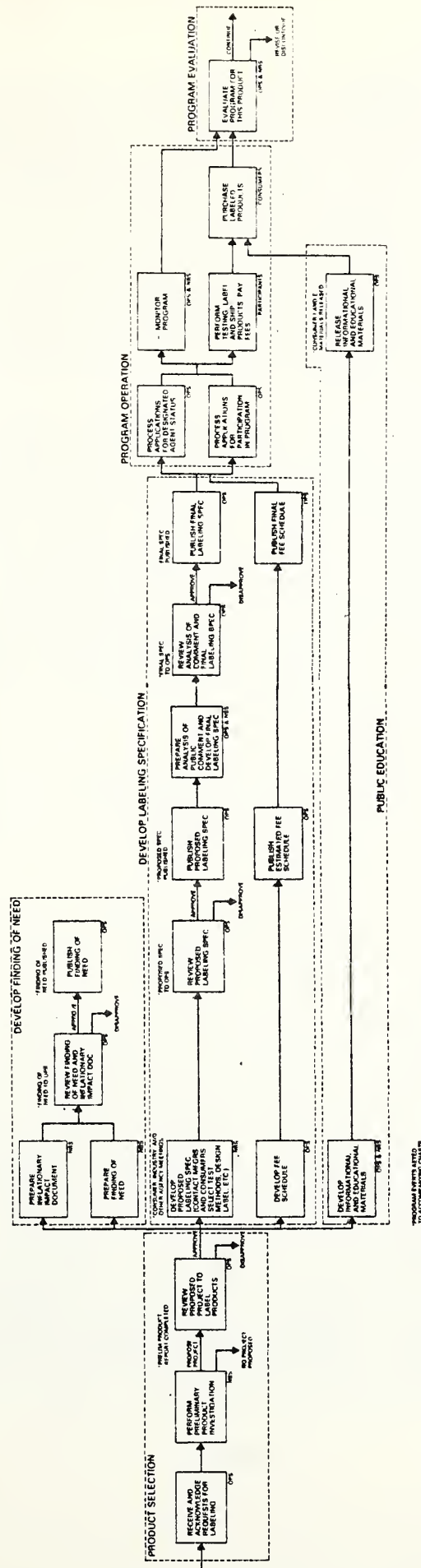
The program procedures (Appendix B) constitute 15 CFR Part 16. An abstract of the procedures as amended is provided in Appendix C.

4. Selection and Labeling of Products

The labeling of a class of products under CPILP would require a number of identifiable steps starting with the selection of a product and continuing to the evaluation of the effectiveness of the program. These steps are shown in Figure 1, generally in chronological order. The following is a description of these steps as implemented during the pilot period.

Figure 1

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM
LABELING OF INDIVIDUAL PRODUCT CLASSES



The product selection process began with the receipt of a request that a product be labeled. Such requests were solicited from the general public (including consumers, manufacturers, distributors, and government agencies) through general and trade news media publicity, through the distribution of brochures to manufacturers and consumers, and through personal contacts. Examples of the brochures are provided in Appendix D. As a result of these efforts a total of 145 different products or product categories were suggested for inclusion in the program. A summary of the letters received during the first year of the program is given in Appendix E.

As the suggestions for products to be labeled were received, they were acknowledged and reviewed to determine whether they were products that might readily be labeled during the pilot program. Some categories, such as food, prescription drugs and plants, were excluded as being within the jurisdiction of other government agencies. Because of the time constraints of the pilot program, the possible products were further limited to those for which test methods were thought to be available or which it seemed important to label at an early date. Nine product classes were selected for further examination. These were:

- Carpeting
- Dry cell batteries
- Electric irons
- Home insulation
- Luggage
- Paint
- Plumbing Fittings
- Smoke detectors
- Vacuum cleaners

In order to assist in the systematic review of products being considered for labeling, criteria for determining whether a product was appropriate for labeling under CPILP, and a method for examining a product with respect to these criteria, were developed and described in NBSIR 78-1450, "Product Selection for the Voluntary Consumer Product Information Labeling Program." [7] A useful feature of this report is a decision tree chart that simplifies and systematizes the selection of products that are likely candidates for labeling. Examination of the products resulted in Preliminary Product Reports which were reviewed by the program management in deciding which products to include in the program. Each of the nine products considered is discussed later in this report.

As products were chosen for inclusion in the program, work was initiated on developing a Finding of Need, a determination of the need for an Inflationary Impact Statement, and a Labeling Specification.

A Finding of Need to label a product that was developed under CPILP addressed the eight points of Section 16.4 of the Procedures (Appendix B). The finding was based upon the preliminary product report and further information gathered through literature search, contacts with consumers and consumer groups, and contacts with manufacturers and distributors. The need for an inflationary impact statement was determined by estimating the effect of the costs to manufacturers and consumers of adding the label to a product, including additional testing required. These documents for thermal insulation for homes are given in Appendix F.

The development of a Labeling Specification involved several interrelated steps. These included:

- (1) Selection of characteristics to be shown on the label,
- (2) Selection (and development, if necessary) of test methods,
- (3) Development of rating schemes for presenting test results, and
- (4) Design of the label.

The selection of characteristics and test methods required significant input from consumers, potential participants (primarily manufacturers) and testing laboratories to insure that all included characteristics were important, that the most important characteristics were included, that the chosen characteristics could be measured and rated reliably, and that the burden of rating and labeling would not exceed the benefits derived from them. This was accomplished through the use of interviews with focus groups (Sounding Boards, PTA groups, etc.), meetings with consumer organizations, meetings with manufacturer and trade association representatives, and extensive personal contacts. A total of 37 meetings were held during the pilot program. A listing of these meetings is provided in Appendix G. These meetings were useful for establishing priorities for products and product characteristics, for developing methods for rating and presentation that were technically correct, and also meaningful to consumers for identifying possible test methods and their weaknesses, and for informing interested parties of the existence and purpose of the program.

The development of rating schemes and design of the label took into consideration the need for the information presented to be easily understood and used to compare competing products by unsophisticated consumers. At the same time, the ratings and presentations must be technically correct and acceptable to the expected program participants. In addition, it was desirable that the labels for all products have some common characteristics that would readily identify them with the program. To achieve this, the input from consumers, manufacturers, etc. was supplemented by a study made by Marketing Science Institute (under contract to the National Bureau of Standards) on the labeling of insulation, smoke detectors and vacuum cleaners. (Appendix H)

Based upon all of the information available on thermal insulation for homes, a proposed Labeling Specification was prepared. The document included sections on purpose; scope; definitions; how to initiate and terminate participation; conditions for participation; identification, description and use of methods for rating each characteristic; use of the label on products and in advertising; and proposed label design. The proposed specification was subjected to comprehensive technical, policy and legal review prior to publication in the Federal Register. The Proposed Specification for Labeling of Thermal Insulation for Homes (43 FR 23488) is included as Appendix I. The Federal Register notice accompanying the proposed specification invited comments from all interested parties, including informal hearings if requested. The comment period was 45 days.

The comments received were carefully reviewed and considered in view of the purpose and operation of the program. This review was documented in a Summary and Analysis, a working document that is available in the Department of Commerce Central Reference and Records Inspection Facility, at the address previously provided. No hearings were requested.

Based upon the comments on the proposed labeling specification and other information that became available, one of the following actions could have been taken:

- (1) A final specification, including minor modifications if needed, could be published in the Federal Register.
- (2) Major changes could be made and a new proposed specification published in the Federal Register; or
- (3) A Federal Register notice could be published withdrawing the proposed specification.

In the first case, the final specification would contain essentially the same information as the proposed document plus a brief summary of the comments received and changes made and an effective date for starting the program. If major or controversial changes were made as a result of comments, it would be appropriate to allow the people concerned to comment on such changes. Another proposed specification with an additional comment period would be a proper way to do this. If it became evident that there were major flaws in the proposed specification and these could not be rectified without making the program for that product unacceptable, it would be in order to withdraw the proposed specification. It might also be appropriate to withdraw the document if it were obviously premature, e.g. new test methods would soon be available, or if, as in the present case, the whole program were to be suspended or terminated. The appropriate document would be published in the Federal Register after comprehensive technical, policy and legal review. Such a notice withdrawing the proposed specification for Labeling of Thermal Insulation for Homes with the suspension of the Consumer Product Information Labeling Program was published on April 2, 1979 (44 FR 19222) (See Appendix J).

As stated above CPILP was intended to be a self supporting program depending upon fees paid for the use of the labels to offset operating costs. Therefore, a schedule of fees would usually be developed and published in conjunction with the labeling specification. The fees would be based upon projections of label usage and operating costs and could be adjusted as necessary. However, since the pilot program was intended to be a learning experience and to provide an opportunity to evaluate the acceptance and usefulness of the program, it was decided to drop the fees in the hope that this would be an added inducement to manufacturers to participate in the program. Accordingly, the procedures were amended to permit the Secretary of Commerce to suspend the fees at her discretion. (See Appendix B). The Secretary was prevailed upon to exercise this option, at least during the pilot program, and therefore no fees were proposed. (Note: If the program should be resumed in the future, serious consideration should be given to inclusion of a schedule of fees in order to avoid the heavy economic burden that forced the suspension of the fledgling program.)

It was generally accepted that during the early part of the Program an extensive public education program would be needed to make consumers aware of the labels and how they could be used to make better purchase decisions and to generate the interest of manufacturers and distributors in participating in the program. Plans were being made for such a public education program, including a full time public information specialist, when the decision to suspend the program was made.

5. Labeling Efforts for Specific Products

Nine products were examined to determine whether it was feasible to develop labeling specifications and labels for them during the pilot period. The results of the examination of each of these products are summarized in the following.

5.1 Thermal Insulation for Homes

Early in the program, letters were received requesting that thermal insulation for homes be labeled. During this time homeowners were being encouraged to insulate their homes by Government actions and by the high cost of energy for heating and cooling. At the same time questions were being raised about the effectiveness and safety of various insulating products. An informal survey of some local outlets for home insulation showed considerable difference in the amount of information given on the products and in the probable usefulness of this information to the average consumer. It was also found that there were existing test methods that purported to measure most of the characteristics of insulation that were thought to be of principal concern to the consumers. It was therefore decided to proceed with the development of a Finding of Need to Label Thermal Insulation for Homes.

To develop the Finding of Need and gather information for use in developing a labeling specification, meetings were held with representatives of Government agencies, industry and consumer advocates. A series of meetings were also held with Consumer Sounding Boards and other consumer focus groups. The results of these meetings confirmed the interest of consumers in labeling of this product, identified the characteristics that were of primary concern, and showed a mixed reaction by manufacturers with respect to support for the program but a general willingness to assist in the program management's consideration of the feasibility of this effort. Also, considerable interest was shown by other Government agencies in various aspects of insulation use which could influence a labeling effort.

The other agency interests that were particularly significant were (1) revision of GSA Federal Specifications, (2) a proposed FTC Trade Regulation Rule requiring disclosure of R-Value and area coverage information, (3) pressure for a CPSC mandated safety standard for cellulose insulation, (4) a possible tax rebate for improving the energy efficiency of homes, and (5) the Voluntary Laboratory Accreditation Program for laboratories that test thermal insulation administered by the Department of Commerce. It also seemed probable that the sale of insulation would peak in the near future, and that a CPILP label, to be most effective, should become

available as soon as possible to assist consumers during this time. A Finding of Need was therefore completed and published in the Federal Register on December 14, 1977 (42 FR 62946) (see Appendix F). Because of the interest of other Government agencies in this product, as stated before the CPILP Procedures were amended to permit CPILP labels to include information about certain performance characteristics when another Federal agency requires labeled information about those characteristics if the other agency agrees. (See Appendix B). In this way CPILP was seen as a means of consolidating labeling requirements and reducing the labeling burden for participants.

Additional meetings were held with focus groups, manufacturer representatives, Government agencies and consumer advocates to discuss rating and labeling plans, suitability of test methods, label design, etc. It became apparent that some of the test methods, particularly those concerned with fire properties and corrosiveness, were controversial. New test methods for flame spread resistance were being proposed in the revised Federal Specifications while congressional action was directed towards mandating the use of the test method generally used in building codes. Since no correlation had been established between the two methods, the possibility of using ratings based on both methods in the CPILP label was suggested.

Considering the input received from consumers, manufacturers, Government agencies and technical consultants at NBS, it was decided to propose including the following factors on labels for thermal insulation for homes:

1. Identification of material and its form
2. Place in home recommended for use
3. R-Value and area covered per package
4. Resistance to surface flame spread
5. Resistance to smoldering
6. Flame spread classification
7. Corrosiveness
8. A unit pricing factor based upon insulating ability.

Rating schemes for those factors were developed using existing and proposed test methods, and a proposed label was designed to show these ratings in a clear, easily understandable way. This information was combined with program information specifically related to thermal insulation for homes into a Proposed Specification for Labeling of Thermal Insulation for Homes. After thorough technical, policy and legal review this document was published in the Federal Register on May 30, 1978, (43 FR 23488) (See Appendix I).

In response to the Proposed Specification, 45 letters were received. Most of these letters contained constructive comments relating to the testing, rating and labeling of this product. Five manufacturers apparently thought that the program had been initiated and applied to participate. One letter was completely negative to the program. The other letters contained comments and suggestions for changes and expressed attitudes varying from positive to negative. The comments were reviewed, analyzed and summarized. Some changes to the proposed specification and label were found to be in order. However, it was decided that the program would be suspended and the proposed specification withdrawn because funding for the program was to be drastically curtailed due to efforts to reduce Federal expenditures. The Summary and Analysis of the comments was prepared as a program working document, and is available in the Department of Commerce Central Reference and Records Inspection Facility, at the address previously provided.

The Federal Register notice suspending the Consumer Product Information Labeling Program and withdrawing the proposed Specification for Labeling of Thermal Insulation for Homes was published on April 2, 1979 (44 FR 19222) (Appendix J).

5.2 Smoke Detectors

Letters were received requesting that smoke detectors be included in the labeling program early in the program. This interest was prompted by the number of jurisdictions which were contemplating or had adopted mandatory requirements for the installation of residential smoke detectors. At that time at least 33 states and about 25 percent of the cities in the United States had some requirements for smoke detectors. A report to the National Fire Prevention and Control Administration (NFPCA) stated that the information available to consumers on smoke detectors was generally inadequate and in specific instances misleading.

Meetings were held with other Government agencies, industry representatives, consumers and consumer organizations to determine the interest in including smoke detectors, and to develop a list of performance attributes that were of primary concern to these groups.

There was strong support from the Government agencies, consumers, and the consumer organizations for the labeling of smoke detectors, and negative reaction from the industry groups.

In developing the Finding of Need and in gathering information for use in a labeling specification it was discovered that a controversy existed between the manufacturers of the two major types of smoke detectors, ionization and photoelectric. The basis of this controversy was a possible deficiency in Underwriters Laboratories Standard UL-217, the primary standard used to test and evaluate smoke detectors, with respect to a test method for response to "smoldering fires". The proposed test method circulated by UL had been withdrawn for further study and evaluation. Alternate test methods for response to test fires proposed by several European establishments had not been evaluated in the U.S. Considerable discussions on the controversy between the ionization and photoelectric types appeared in various journals, such as the "World of Fire" and the "Appliance Manufacturer." Since the controversy was not within the scope of the CPILP it was decided to continue with the development of a Finding of Need to Label Residential Smoke Detectors.

In the discussions and meetings with industry, Government agencies and consumer organizations, a listing and ranking of performance characteristics which could appear on the product label were developed. The list of characteristics were:

- Sensitivity to various types of fires
- Reliability
- Sound level
- Test feature
- Power source
- Sensing Mode - type of detector
- Restrictions in use
- Duration of trouble signal
- Test frequency
- Installation information
- Battery availability
- False alarm rate
- Special features
- Lamp replacement

Various agencies in both industry and Government are engaged in improving existing test methods and developing alternative test methods for determining the response of smoke detectors. Attempts were made to obtain, for analysis, data from existing test methods used to test and rate smoke detectors. These attempts were unsuccessful.

A Finding of Need to Label Residential Smoke Detectors was developed. The Finding of Need stated that if suitable tests were developed and verified for establishing response ratings, they would be included in the Proposed Specification for Residential Smoke Detectors. The Finding of Need to Label Residential Smoke Detectors was submitted to the Department of Commerce. However, the decision to suspend CPILP was made before the document was reviewed and published in the Federal Register.

5.3 Electric Irons

One of the first products considered as a possible candidate for the development of a consumer product information label was electric irons. This selection was made before the program brochures were distributed to consumers or industry. However, a letter had been received from a consumer requesting that electric irons be included in the products to be labeled.

Some of the typical problems which might be encountered with electric irons include:

1. Inaccurate temperature control could damage fabrics
2. Boil-over of excess steam or poor handle design could cause burns to users
3. Uneven temperature distribution, poor spray or steam pattern, or buildup of starch or other material on soleplate could make ironing difficult
4. Breakage when dropped or buildup of deposits in steam system could result in financial loss.

As a part of the decision process in the selection of a product for labeling, a list of possible performance attributes to be included on the label was developed. These attributes were:

Temperature "overshoot" on initial heatup
Soleplate temperature distribution
Heatup and cooldown time
Normal cyclic variation in soleplate temperature
Accuracy of temperature control
Steam rate and steam pattern
Tank capacity (or spray/steam duration)
Weight/balance
Stability at rest
Impact resistance
Electrical power requirement
Electrical safety
Thermal safety

A survey of standards and test methods indicated that test methods already existed for some of these characteristics. It was thought that the other test methods needed could be developed quickly.

A total of 29 manufacturers and private brand labelers of electric irons were listed in "Appliance Manufacturer" - 1977-78 Annual Directory of the Appliance Industry. On September 7, 1977 a meeting was held at the Department of Commerce with the Association of Home Appliances Manufacturers (AHAM), several manufacturers of electric irons, and CPILP staff personnel to discuss CPILP and to get the private sector's reaction to the possible labeling of electric irons. The trade association and the manufacturers objected to including electric irons because the important test methods were not developed and the test results of established methods were difficult to define. The consensus of the association and the manufacturers was that to develop and adopt needed test methods and resolve the difficulties with present methods would take several years.

As a result of this meeting, the decision was made not to include electric irons as a possible candidate for product information labeling during the pilot period.

5.4 Luggage

As a result of interest in CPILP by a leading luggage manufacturer, it was decided to explore the possibility of including luggage as a candidate for product labeling.

Following is a list of possible performance attributes developed as a part of the process for selection.

- Durability under rough handling
- Handle strength
- Capacity of clothing
- Scuff resistance
- Lock (fastener) strength or security
- Puncture resistance
- Crush resistance
- Protection of fragile packed objects
- Water resistance
- Weight

Searches were conducted to determine the existence of accepted standards or test methods to evaluate any or all of the possible attributes proposed. It was found that there existed voluntary, Federal and military standards to evaluate some but not all of the attributes.

On September 7, 1977, two members of the NBS staff visited the Luggage Division of a leading luggage manufacturer to discuss CPILP and the possibility of including luggage in the labeling program. They were given a tour of the manufacturing and testing facilities of the company. The company also gave a presentation on the in-house standards and test methods used to maintain quality control over the luggage. Over 130 Standard Test Methods (STM's) for various product and material characteristics were used by this company. Many are similar to ASTM or other test methods.

On September 19, 1977, a member of the NBS staff visited the facilities of an independent testing laboratory to discuss the testing of luggage. There was a tour of the testing facilities and discussion of the test methods used. It was noted that there were considerable differences between the testing procedures of this testing laboratory and of the luggage manufacturer. The conclusion was reached that there was little or no standardization within the industry in the testing of luggage.

As a result of these two visits, it was decided that the time needed to develop standardized test methods would not be available within the pilot program. Therefore, luggage was not considered to be a possible candidate for inclusion in the labeling program during the pilot period.

5.5 Carpets

In the continuing effort to identify a consumer product for which a label and labeling specification could be quickly developed within the one year pilot program limitation, it was decided in the latter part of 1977 to investigate the possibility of carpets as a candidate. There were several factors which made carpets appear to be attractive as a possible candidate. For example:

1. Carpets are important, high priced items in which consumers have considerable interest. A great deal of test information exists that is not readily available to consumers.
2. There are well-developed test methodologies, and CPILP could advance the usage of the new methodologies in specific performance areas.
3. Carpets are of direct interest to several Federal agencies, and NBS was involved in some aspects of performance measurements. CPILP could have possibly simplified Federal labeling requirements by combining elements of the requirements of different agencies into one label.

4. The Carpet and Rug Institute (CRI) represents manufacturers who produce nearly 80% of the total U.S. production of rugs and carpets. There are also other trade associations which are directly related to the manufacture of carpets, namely the Man-Made Fiber Producers Association, the Jute Carpet Backing Council, the Carpet Cushion Council and the National Congress of Floor Covering Associations.

As a result of the above, a preliminary product investigation for carpets as a possible candidate was developed.

The carpet construction and performance characteristics that are frequently measured and used include the following:

- Average pile weight per unit area
- Minimum pile weight of blend per unit area
- Average percentage of fibers in blend
- Average pile thickness
- Average density
- Weight density (the product of weight and density)
- Pile coverage
- Tuft bind
- Secondary backing delamination strength
- Dry breaking strength
- Moth repellancy
- Shrinkage
- Colorfastness to light
- Colorfastness to water
- Colorfastness to ozone
- Dry crocking (color rub-off)
- Wet crocking
- Flammability
- Static control.

A survey of standards and test methods indicated that test methods already existed for all of these attributes. The test methods were contained in either Federal, private or international test methods or specifications for rugs and carpets.

The above characteristics do not give consumers direct indication of the ability of carpets to retain their appearance in service. Attempts to directly measure, or compute from available data, the appearance retention of carpeting have failed. The International Carpet Classification Organization in Brussels has attempted to develop a categorization system for carpets. The system requires a panel of experts, having access to test data of the type discussed above, to place a sample of carpet into one of five different recommended use categories. This system has not been adopted in the United States.

Carpet cleanability is also important to consumers. However, there appeared to be no test method suitable for determining this attribute. The development of a carpet cleanability rating system should proceed in parallel with the development of a system of rating the cleaning ability of vacuum cleaners. Test methods for evaluating the cleaning ability of vacuum cleaners are in the process of being adopted by a committee of the American Society for Testing and Materials (ASTM).

There were 45 test methods, standards or purchase specifications identified which are used to evaluate rugs and carpets. However, there were no identified standardized or adopted methods to evaluate two attributes considered to be of major importance to consumers in selecting carpets, cleanability and appearance retention.

The time necessary to develop the test methods for these two attributes would have been longer than the time limitation imposed by the pilot program. Therefore, carpets were not considered as an initial candidate for CPILP.

5.6 Vacuum Cleaners

NBS interest in the performance labeling of vacuum cleaners began in 1975 before the initiation of CPILP. This was the result of the Federal Trade Commission (FTC) contract proposal from ASTM to develop or provide existing test methods or standards to evaluate the ability of vacuum cleaners to remove dirt from carpeting. NBS was requested to submit a proposal to evaluate the output of the ASTM contract. NBS staff attended meetings of the ASTM Committee F-11 on Vacuum Cleaners. However, because of budget limitations, FTC cancelled these contracts before work was started.

Because of these prior contacts, vacuum cleaners were considered as a possible candidate product to be included in the pilot labeling program. CPILP personnel attended the ASTM F-11 Committee meetings in March and October, 1977, to explain CPILP and to determine the status of the work of the F-11 sub-committee on Consumer Information. A member of the CPILP staff was invited by the Chairman of F-11 to join the committee and sub-committee on Consumer Information.

The sub-committee on Consumer Information (F-11.93) has an active program to develop an information tag and brochures for use by consumers. At the October, 1977, meeting the Consumer Information sub-committee presented for committee consideration a list of attributes which it considered necessary for listing on an information tag. These are listed below.

Definitely Required

Cleaning of embedded dirt in carpets
Surface litter pickup
Above the floor and bare floor cleaning
Weight of the cleaner
Ease of moving the cleaner back and forth
Capacity of the dirt container

May be Required

Noise (sound level)
Carpet wear
Durability
Cord length
Access depth under furniture

The F-11 Committee has developed and adopted test methods for all of the above, except cleaning embedded dirt, surface litter pickup, and sound level. The test method for cleaning of embedded dirt was balloted in the main committee, and the surface litter pickup test method in the sub-committee in October, 1978.

It is expected that these two methods will be adopted in the near future. Tests for sound level determination will probably use a method developed for the Environmental Protection Agency (EPA).

Subcommittee F11.93 on Consumer Information has also developed several different methods for presentation of performance attributes on the information tag. These methods are presently being circulated to the members of the F-11 committee for comments.

It appears that the ASTM Committee F-11 on Vacuum Cleaners will develop and adopt a consumer information tag for use by the manufacturers of vacuum cleaners. Unless it were found to be mutually beneficial to incorporate this information in a CPILP label the ASTM effort could eliminate the need for a CPILP label for vacuum cleaners.

Because of the decision to suspend CPILP, the staff member was obliged to discontinue working with the sub-committee on Consumer Information.

5.7 Plumbing Fixtures and Fittings

A California Symposium on March 30, 1977, suggested that plumbing fittings might be a suitable product category to be included in the labeling program. The California Energy Resources Conservation and Development Commission had issued minimum efficiency standards for shower heads and some other residential plumbing fittings for conserving energy and water. On June 24, 1977, invitations were sent to 43 manufacturers of plumbing fixtures to attend a meeting at NBS on July 7, 1977. At this meeting the industry representatives were not enthusiastic about the labeling of plumbing fixtures. However, an August 9, 1977, letter from one large manufacturer indicated that the program had strong support from that corporation.

A member of the CPILP staff attended a meeting of the Plumbing Manufacturers Institute (PMI) on October 3, 1977, to discuss CPILP with a large number of industry representatives. Comments at that meeting indicated that the plumbing fitting and fixture industry was being subjected to many new Federal, state and local testing, performance, and labeling requirements for improving effectiveness in conservation of energy and water. The PMI members expressed new interest in CPILP as a means of standardizing and unifying these governmental requirements.

On March 10, 1978, PMI issued a press release indicating that PMI would request the Secretary to label plumbing fittings. PMI sent the request to the Secretary on April 4, 1978, requesting that shower heads, plumbing faucets, and water closets be included in the labeling program. The Secretary requested that CPILP staff conduct a preliminary investigation of the feasibility of including the product categories in the labeling program. PMI subsequently withdrew the request for including water closets, as no water closet manufacturer was a member of the organization. However, CPILP continued to include water closets in the preliminary investigation. There were no requests from consumers to include plumbing fixtures and fittings in the labeling program.

PMI's request that water closets, shower heads, and faucets be labeled was based primarily on consideration of water conservation. Consumers can adjust the maximum flow of water through shower heads and faucets to achieve conservation and the water usage of water closets can be reduced by dams or water-displacement objects in the closet tank. Most manufacturers are producing low-flow devices.

Therefore the primary reason for the PMI request for labeling maximum flow rates was to help industry standardize the various testing, performance and labeling requirements of Government agencies.

In addition to the labeling of maximum water flow rates, a study of each product category was made to determine whether other attributes could be included on the label. The results of these studies are summarized.

Faucets - The State of California regulations include only kitchen sink and lavatory faucets, and exclude utility faucets, stops or valves used in supply lines to washing machines, dishwashers, and other equipment. The American National Standards Institute (ANSI) test method, ANSI A112.18.1-1975, "Finished and Rough Brass Plumbing Fixture Fittings," includes all types of sink, lavatory and utility faucets, valves, and stops for use in residences and in other buildings. The CPILP labeling was considered for only those faucets, stops and valves used in residences.

Some of the major performance attributes for faucets include:

- Bursting strength
- Mechanical strength
- Maximum recommended working pressure
- Water flow rate
- Operating force or torque
- Durability
- Ease of Repair
- Toxicity of materials
- Backflow prevention

ANSI A112.18.1-1975 contains test methods for evaluating most of the above attributes.

Shower Heads - This category includes shower heads which are mounted directly to rigid supply lines, those which include a flexible hose attached to a rigid supply line and shower massagers. The category does not include the main fittings or faucets/diverters that control the flow of water.

The major performance attributes for shower heads include:

- Spray effectiveness
 - a. in wetting
 - b. in rinsing

Water usage
Operating pressure range
Adjustability
Cleanability
Backflow prevention

The ANSI document would provide standard test methods to evaluate the water usage and pressure requirements. A standard test method for determining the effectiveness of a shower spray had not been developed and would probably take some time to develop.

Water Closets - This category includes residential water closets only. It does not include chemical toilets or water closets for use in boats or recreational vehicles.

The major performance attributes of water closets include:

Flushing effectiveness

- a. heavy solids removal
- b. floating solids removal
- c. cleaning above water line
- d. water change

Water usage

- a. volume of water per cycle
- b. multiple flush factor
- c. afterflow factor
- d. operating pressure range
- e. average and peak supply rate
- f. average and peak discharge rate

High pressure leakage

Backflow prevention

Noise level

Automatic water shut-off effectiveness

Seat and cover durability

- a. static strength
- b. impact resistance
- c. dimensional stability
- d. resistance to chemical attack

There were no suitable, generally accepted tests for flushing effectiveness, and it would require considerable time and effort to develop such a test method. Attempts were made to determine manufacturers' interest in assisting in the development of a suitable test method without positive results.

PMI, which represents 44 manufacturers of plumbing fixtures and fittings, has an active water conservation committee working on problems associated with code and regulatory requirements. This committee had requested support in the solution of these problems from the American Society of Plumbing Engineers, the American Society of Sanitary Engineering, the American Supply Association, the American Water Works Association, the Mechanical Contractors Association, and the National Association of Plumbing, Heating and Cooling Contractors. The committee and supporting organizations planned to meet on June 22, 1978, to discuss these problems. Plans were formulated at the June 6-8, 1978, meeting of PMI to establish a Committee on labeling.

NBS has been concerned with the technical problems of plumbing systems design since 1924, and considerable expertise has been developed in this area.

A preliminary draft of a Finding of Need to Label Residential Plumbing Fittings, not including water closets, was completed in August 1978. The decision to suspend the program was made before the Finding of Need could be completed.

5.8 Dry Cells and Batteries

Interest in finding a widely used product that could be labeled quickly led to the consideration of dry cells and batteries. Requests had been received from four individual consumers for such labeling and there was known technical expertise at NBS.

The preliminary product report showed that available batteries differ greatly in life and cost. Consumer Research Magazine (August 1977) showed lifetimes of a popular size that varied by a factor of more than 3, prices that varied by a factor of about 3, but ratios of life to cost (minutes of life per cent) that varied by a factor of 5. It was also found that different systems used to designate battery size and voltage could result in as many as seven designations for batteries that could be interchangeable for some purposes. On the other hand, it was recognized that such batteries are generally low cost items, frequently less than one dollar, and that physical limitations could make labeling difficult. It appeared that test methods were quite well established by ANSI Committee C 18 so that labeling would be possible if the manufacturers were willing to cooperate and if there was sufficient consumer interest. It was tentatively decided to proceed to develop a Finding of Need to Label Batteries.

As a first step in developing a Finding of Need, meetings were held with two Consumer Sounding Boards and with representatives of manufacturers. The meeting with manufacturers clearly showed a reluctance to cooperate with the program. Factors that are outside the manufacturers' control, particularly storage conditions; lack of agreement as to test methods for leakage (indicated to be the most serious battery problem); and space limitations for labeling were cited as reasons for the reluctance. On the other hand, the manufacturers did seem to be interested in providing information in the form of a consumer brochure and would probably cooperate with the Department of Commerce if this were undertaken without an accompanying CPILP label.

The meetings with the Consumer Sounding Boards showed very little interest in the labeling of dry cell batteries. Because of the low unit cost of this product, these consumers seemed to be willing to rely on brand names with which they had satisfactory experience.

Because of the lack of consumer interest and manufacturers' reluctance, it was decided not to pursue the labeling of dry cells and batteries during the pilot program.

5.9 Paint

Letters requesting products which should be labeled included two requests for paints and paint products. One of the requests was from an individual consumer and one from a national consumer organization. The consumer request to label paints came as a result of the consumer's inability to receive information from the paint retailer, manufacturer and other experts on the removal of the product which had spilled on the consumer's carpet. Because of the requests, a preliminary product investigation was developed, in April, 1978, to determine if labels and labeling specifications could be developed during the pilot program.

An article, "Voluntary Performance Rating of Consumer Paints", which appeared in the April 1978 issue of ASTM's "Standardization News", expressed concern over the lack of adequate performance information for paints to allow the consumer to select the paint or paint product to satisfy their particular and specific needs. Also, an article by columnist Sylvia Porter entitled, "Tips on Home Painting," resulted in over 6,000 requests to the National Paint and Coatings Association (NPCA) for the paint brochures referenced in the article.

These articles were further evidence of the possible interest of consumers and industry in the development of labels and specifications for paints.

The preliminary investigation was concerned with paints, interior and exterior, solvent or latex based. Some of the attributes of interest to consumers are different for interior and exterior paints, particularly in durability requirements. Possible attributes for each type of paint are listed below.

Interior-Solvent or Latex Based Paints

Type of paint
Surface characteristics
Drying time
Leveling
Hiding power
Application properties
Sag resistance

Durability

- a. Resistance to household chemicals
- b. Resistance to detergent
- c. Washability
- d. Scrub resistance
- e. Moisture resistance
- f. Flash point

Exterior-Solvent or Latex Based Paints

Type of Paint
Surface Characteristics
Hiding power
Leveling
Drying time

Durability

- a. Blister resistance
- b. Chalking resistance
- c. Cracking resistance
- d. Checking resistance
- e. Flaking (scaling) resistance
- f. Erosion resistance
- g. Moisture resistance
- h. Abrasion resistance

A survey of standards and test methods indicated that test methods existed for most of the above attributes in either ASTM Test Methods or the U.S. Federal Test Method Standard No. 141a.

The ASTM Committee D-1 on Paint and Related Coatings and Materials was founded in 1901. This Committee, with the active participation of allied organizations such as the NPCA and the Federation of Societies for Coatings Technology (FSCT), has drafted over 400 standards and test methods for paint and related coatings. NBS is also an active participant in the activities of Committee D-1. Durability, one of the important characteristics which might be shown on a label, is generally determined by accelerated tests. Therefore, such test methods must be carefully examined to assure suitability. The test methods appeared, with the possible exception of durability, to adequately cover the attributes for these two types of paints.

Industry Contacts

On August 4, 1978, a meeting was held at NPCA in Washington, D.C. The purpose was (1) to discuss CPILP and to explore the feasibility of including household paints in the labeling program, and (2) to learn of the extent of the consumer education labeling programs of NPCA.

The NPCA has published many consumer information brochures, some available at the point-of-sale. One, "The Household Paint Selector," was published in 1975 as a reference to be consulted when a consumer was planning a painting project. The organization is developing a labeling guide for use by paint manufacturers. The guide suggests to the manufacturer the attributes, format and consumer language to be used on the label. The description of the guide closely resembles the CPILP labeling program.

The adoption by the paint industry of the labeling guide and the many consumer information brochures already distributed made it appear that the paint industry may, to a large extent, accomplish aims similar to those of CPILP.

The decision to suspend CPILP occurred before additional investigation on the feasibility of including paints in the labeling program could be completed.

6. Problems Encountered

When CPILP was initiated as a pilot program it was presumed that labels could be developed for two products within one year and some evidence could be collected for judging the acceptance and usefulness of the program. These goals were not attained, not because of a lack of effort and dedication, but rather because the number and severity of the impediments to developing a product label and introducing it into the marketplace were unexpected.

The program, as initially conceived, would have devoted considerable effort to the development and adaptation of test methods for rating the performance of the selected products. Test method development in a consensus mode is, by nature, a time consuming process. On the other hand, test methods and standards that are developed through a consensus process are much more likely to gain wide acceptance more quickly than if they are imposed by the Government. This is particularly important when the test methods are to be used in a voluntary program such as CPILP where participation is voluntary and success would require confidence in the labeled ratings by consumers. Since a one year pilot program obviously would not permit development of test methods, emphasis was placed on finding products for which test methods were already available. At the same time, the products selected should present significant purchase decision problems to consumers, and a reasonable portion of the manufacturers should be interested in participating in the program. No products that fully met these conditions were found.

Of the products examined, thermal insulation for homes most nearly met the conditions for early labeling. There were test methods in existence, most of which had been published by ASTM. However, some of these test methods were controversial, and some new test methods were being advanced in revisions of Federal Specifications. These new test methods had been developed under the auspices of the General Services Administration, not through a consensus process, and considerable resistance was encountered from some manufacturers. The proposal to use both existing and new test methods to develop ratings for the CPILP label, though probably beneficial for consumers, would have increased the testing burden for manufacturers considerably. The use of the two test methods results for the label would probably have been an interim procedure until either the existing or new test method was clearly favored. A number of insulation manufacturers had indicated, formally and informally, general support for the program and that they intended to participate. However,

manufacturers of the dominant type of insulation on the market were publicly opposed to this program, which they seemed to see as a possible prelude to more Government regulation of their industry. Although it was expected that some of these manufacturers would have participated, it is likely that such participation would have come only after some time would elapse.

Home smoke detectors were another product in which there was considerable consumer interest and pressure for installation of these devices in homes. Current test methods provide for a minimum performance rating of acceptability, but these tests are not used to rank device response to various types of fire situations. Attempts to obtain test data to determine whether such ranking was feasible were unsuccessful. This lack of cooperation by both manufacturers, a trade association and a testing laboratory would have been difficult to overcome during a pilot program.

Although existing test methods appeared to provide an adequate basis for ranking and labeling non-rechargeable dry cells and batteries, there was very little interest by consumers and considerable resistance by manufacturers to including this product in the program. Under such conditions, no purpose was seen in developing a CPILP label for these items.

The above specific examples are indicative of the problems encountered. The lack of test methods, resistance by manufacturers, and consumer indifference for some low cost products were major obstacles to developing labels for products considered for the pilot period. Overcoming these would have required significant support for test method development and for a public education program. These must be strong elements for such a program to succeed.

7. Suspension of the Program

As it became apparent that it would be impossible to complete the development of labeling specifications and labels for two products within the first year, discussions were carried out within the Department of Commerce as to appropriate actions to take. It was decided to request the Secretary to extend the pilot period to September 30, 1979, (the end of the fiscal year 1979) with the understanding that a recommendation as to the future of the program would be provided at that time. No further extensions were to be considered. This request was coupled with a request for funding that would have permitted: labeling of two or three products, depending upon the complexities encountered; conducting preliminary studies of products

so that the program could be continued without expensive delays; initiating a vigorous public education program so that the program could be properly judged; and starting the development of methods for long term evaluation of the program, including gathering of base line data.

The request to extend the pilot program was approved. However, the funding for the additional time was reduced to less than 30 percent of the requested amount. The program management and staff considered that the approved funding would be only marginally adequate to complete the labeling of two products. It would not have been possible to initiate any public education activity, to significantly extend the contacts with manufacturers, nor to properly evaluate the progress, successes and failures of the program. Under these circumstances, it was decided that:

1. Efforts to develop new labeling specifications for specific products be discontinued.
2. A summary and analysis of comments on the proposed labeling specification for thermal insulation for homes be completed.
3. An announcement suspending CPILP be published in the Federal Register. This notice should include a summary of accomplishments and problems of the pilot program.
4. A report be prepared to document the efforts of the program and to provide a useful basis for making any decisions regarding future Government efforts to provide performance labeling programs for consumer products.

A notice formally suspending the Program was published in the Federal Register on April 2, 1979, (44 FR 19222) (see Appendix J).

8. Summary and Recommendations

The Voluntary Consumer Product Information Labeling Program of the Department of Commerce was initiated because of the conviction that consumers would make better purchase decisions if product performance information were readily available at the point of sale. This conviction was supported by recent congressional proposals for mandatory and voluntary product labeling and by the generally favorable reaction of consumers, consumer advocate groups and some manufacturers to the proposed program. The proposed program was not supported by some manufacturers and trade associations. However, it was considered that most manufacturers would benefit if performance information for competing products were presented in a uniform, easily understood format so that consumers could readily consider the importance of various performance characteristics in making a purchase decision. This would encourage competition based upon performance and price, and should significantly reduce consumer dissatisfaction, complaints and return of purchased goods.

Providing uniform product ratings can only be accomplished if standardized test methods are used to measure the characteristics. Many such test methods exist for materials and components. However, it was found that relatively few test methods for consumer products exist that are known and accepted by most manufacturers of a product. The need for adequate test methods became very evident during the conduct of the pilot program.

Since some manufacturers were reluctant to have their products labeled in such a program, it seemed probable that a voluntary program would only be successful if consumers were sufficiently aware of and interested in such a program to make it readily apparent that the labeled information was widely used and that labeled products received purchase consideration preference. Such consumer awareness could only be expected if a vigorous public education program were pursued. It should be noted that some manufacturers supported the program and could be expected to assist in informing the public about it.

When the program was initiated, it was realized that the experience with the first few products would provide the learning experience that would be necessary for the long term operation of a successful program. Although the experience gained was contributing to the necessary knowledge, not all phases of the program operation were experienced even one time, and the experience with more than one product was encountered only a few times. Additional experience will be needed to optimize the operation of such a program.

Although the program was intended to be self supporting as a result of fees for the use of the labels, this provision was suspended, at least for the pilot program. The feasibility of supporting the program in this way and the effect of such a fee schedule on manufacturer participation was not tested. If the conduct of a program such as CPILP is not to be dependent upon public funding, reliance must be placed upon an equitable scheduling of fees with proven cost/benefit ratios acceptable to manufacturers.

Based upon the limited experience with a few products, the following recommendations for any future voluntary effort to label performance characteristics of consumer products are made:

- (1) A primary concern must be the locating or development of test methods for the various performance characteristics of interest. Both manufacturers and consumers should be involved in any development effort. Whenever practical, the needed test methods should be developed in conjunction with a recognized consensus standards developing organization (e.g. ANSI, ASTM, etc.).
- (2) Provision should be made at an early date to carry on a vigorous public education program.
- (3) Because of the relatively long period of time required to develop labeling specifications, gain manufacturer participation, and build up consumer usage, a voluntary labeling program should be allowed five years before being finally judged. Funding of the program, by whatever sources are deemed most appropriate, should be assured for at least that amount of time before the program is started. At the end of that period it is expected that a fair and objective evaluation of the merits of the program to both manufacturers and consumers could be made.
- (4) Close contacts with manufacturers must be encouraged, particularly with regard to test methods and methods of ratings.
- (5) Consumers and consumer advocate groups must be fully involved in all phases of the program, from product selection to program evaluation.

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Appendix A

U.S. DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

*Reprinted from Federal Register, Volume 41, Number 102--Tuesday, May 25, 1976
(Pages 21389-21394)*

Office of the Secretary

PROPOSED VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Operation and Procedures

In his confirmation hearings, Secretary of Commerce Richardson made the following statements on the subject of consumer information:

I strongly favor the provision of consumer product testing information to consumers in those product lines where inadequate information exists. I intend to pursue the development of voluntary programs in which industry works with Government to make meaningful performance information available to the marketplace.

This notice announces the intention of the Department of Commerce to develop, in cooperation with consumers, manufacturers, producers, distributors, retailers, and other interested groups, a voluntary consumer product information labeling program, provided that substantial need and support for such a program is demonstrated at the three scheduled public hearings described later in this notice. The purpose of the program would be to facilitate consumer purchasing decisions by making available at the point of sale comparative information on key product performance characteristics and to provide manufacturers an opportunity to convey to the public the particular advantages of their products. To operate and carry out this Program, there are set out at the conclusion of this notice proposed procedures.

Presidents Kennedy, Johnson, Nixon, and Ford have affirmed that consumers have a basic right to be kept informed. In a Presidential Consumer Message in 1969, it was stated:

No matter how alert and resourceful a purchaser may be, he is relatively helpless unless he has adequate, trustworthy information about the product he is considering and knows what to make of that information. The fullest product description is useless if a consumer lacks the understanding or the will to utilize it.

In the same vein, the National Business Council for Consumer Affairs, in a 1973 report, made the following recommendation:

Wherever appropriate, manufacturers should promote the development of mechanisms for providing consumers with performance information on consumer durables.

The Council was also of the view that government agencies could help in assuring that appropriate product characteristics are chosen and measured in a manner that would be fair and equitable to manufacturers and consumers.

U.S. consumers today are unable in many cases to make rational and accurate marketplace decisions because of lack of comparative, easily comprehensible information at the point of sale on important product performance characteristics, including durability, capacity, and efficiency. This lack of information often results in consumer purchases being made on a trial-and-error basis or on the basis of unsubstantiated performance claims, with consequent consumer financial loss, dissatisfaction, and inconvenience.

At least eight European countries—Denmark, Finland, Norway, Sweden, France, West Germany, Netherlands, and Switzerland—are operating voluntary national information labeling programs that provide consumers with the type of information discussed above. These programs have four features in common:

1. Manufacturer participation is on a voluntary basis;
2. The programs report levels of performance but do not set minimum levels;
3. The programs deal principally with measurable performance characteristics; and
4. The programs utilize fixed labeling formats that present information to consumers in simplified form.

Three examples from these programs are set out in Appendix A to this notice.

Public Comments Requested

Comments are requested on this proposed Program, the proposed procedures at the end of this notice, and on the following areas of inquiry.

1. Beneficial or adverse impacts on product cost, quality or availability. What effects, either beneficial or adverse, could the Program be expected to have on the cost, quality or availability of consumer products? What effect is it likely to have on consumers, retailers, manufacturers, producers or the economy in general? What studies are now available that indicate the probable effects of such programs?

2. Product selection criteria and process. How should products that will be covered by the Program be selected? What should be the selection criteria? Would it be desirable to establish a product selection committee(s)? If so, what

criteria should be utilized to select the membership?

3. Information label designs. How should the effectiveness of label designs pertaining to specific product categories be evaluated? How much field testing would be necessary to determine the nature of public reaction to the labels? Could proposed label designs be effectively tested using Consumer Sounding Boards or similar consumer groups in lieu of field testing?

4. Consumer education approaches. What is the best way to make the public aware of this Program? Would it be feasible for the Department to cooperate in some way with the advertising departments or agencies of participating manufacturers and producers to enhance the total impact of the Program?

5. Benefits to manufacturers. What would be the principal advantages of this Program to manufacturers? Would a better understanding by consumers of the performance characteristics of manufacturers' products result in a reduction in the return rate of such products and in a decrease in the number of consumer complaints? Would the operation of this Program improve the ability of manufacturers to structure their model mix to meet consumer needs and desires?

6. *Methods of establishing fees to help defray program costs.* On what basis should equitable and reasonable fees be established? Would a fixed fee covering one product category discriminate against smaller manufacturers or producers who might wish to participate in the Program? Would a fee on a per unit basis as provided in the proposed procedures be administratively burdensome or constitute an unwarranted invasion of proprietary data?

7. *Monitoring and certification procedures.* How and to what extent should the Department monitor the Program? Would manufacturer and producer self-certification, or industry certification, be effective as an aid in the monitoring of this Program?

The Department also encourages the submission of any other proposals or suggestions that might better carry out a voluntary program to assist consumers in making accurate purchase decisions by providing meaningful point-of-sale information on key product performance characteristics.

Written comments should be submitted in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 9, 1976. Oral comments may be made at informal hearings open to the public, in accordance with the following schedule and procedures.

Informal Hearings

The Department will hold three informal hearings on the proposed Program. The first hearing will be held on Wednesday, June 23, 1976, at 10 a.m. Pacific

Daylight Saving Time in Los Angeles, California. The second hearing will be held on Tuesday, June 29, 1976, at 10 a.m. Central Daylight Saving Time in Chicago, Illinois. The third hearing will be held on Wednesday, June 30, 1976, at 10 a.m. Eastern Daylight Saving Time in the Auditorium of the Department of Commerce, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C.

Meeting places for the hearings in Los Angeles and Chicago have not been finalized. However, the precise meeting place in those two cities will appear in the *FEDERAL REGISTER* on Wednesday, June 2, 1976, which will be three weeks before the first of the scheduled hearings is held. Anyone who misses the June 2, 1976 notice and wishes information on the precise meeting place for any of the scheduled hearings may call or write Dr. Melvin R. Meyerson, Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, telephone number (301) 921-2907 on or after June 2, 1976.

Persons desiring to testify at these hearings should notify the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, as promptly as possible, and not later than 48 hours prior to the date of the hearing at which they will testify. Persons desiring to testify should also submit to the Assistant Secretary for Science and Technology four copies of their statement, not later than 48 hours prior to the start of the hearing at which they will testify.

The following procedures are established for the informal hearings:

1. *Purpose.* The purpose of the informal hearings is to provide all interested segments of the public with the opportunity to comment on whether the Department should initiate a voluntary consumer product information labeling program.

2. *Conduct of hearings.* (a) These hearings shall be informal, non-adversary proceedings at which there will be no formal pleadings or adverse parties. Witnesses may submit written presentations for the record.

(b) The presiding officer shall have the right to apportion in an equitable manner the time available for making presentations, and to terminate or shorten the presentation of any witnesses when, in his or her opinion, such presentation is repetitive or not relevant to the purpose of the hearings.

(c) The presiding officer and other Department representatives shall have the right to question witnesses on their testimony and other matters relating to the proposed Program.

(d) The presiding officer has the right to exercise authority necessary for the equitable and efficient conduct of the hearings and to maintain order.

3. *General provisions.* (a) These informal hearings shall be open to the members of the public whether or not such members wish to testify at the hearings.

(b) A transcript will be made of the informal hearings.

(c) Copies of the transcript and all materials presented by the witnesses at the hearings as well as all written comments received shall be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Issued: May 19, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

PROPOSED PROCEDURES

PROCEDURES FOR A VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

1. *Purpose.* The purpose of this part is to establish procedures under which a national voluntary consumer information labeling program administered by the Department of Commerce will function.

2. *Description and Goal of Program.* (a) The Department's Voluntary Consumer Product Information Labeling Program would make available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form. It would also educate consumers, distributors, and retailers in the use of the product performance information displayed and would provide manufacturers with an opportunity to convey to the public the particular advantages of their products. These objectives would be accomplished by:

(i) Selecting or developing standardized test methods by which selected product performance characteristics could be measured;

(ii) Developing labeling methods by which information concerning product performance could be transmitted in useful form to consumers at the point of sale;

(iii) Encouraging manufacturers to voluntarily test and label their products according to the selected or developed methods; and

(iv) Encouraging consumers through various informational and educational programs to utilize the product performance information provided.

(b) The Program would involve voluntary labeling by licensed participants of selected categories of consumer products with information concerning selected performance characteristics of those products. The performance characteristics selected would be only those that are of demonstrable importance to consumers, that consumers cannot evaluate through mere inspection of the product, and that can be measured objectively and reported understandably to consumers. The consumer products covered would be those for which incorrect purchase decisions can result in substantial financial loss, dissatisfaction, or inconvenience. This Program shall seek to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this Program.

(c) For selected categories of consumer products, the Program would include advertising guidelines covering situations where quantitative performance values are stated in advertising or where qualitative comparisons are made of the performance of different products.

3. *Definitions.* (a) The term "Secretary" means the Secretary of Commerce or his designee.

(b) The term "consumer" means the first person who purchases a consumer product for purposes other than resale.

(c) The term "manufacturer" means any person engaged in the manufacturing or assembling of consumer products or in the importing of such products for resale. The term also includes private brand labelers.

(d) The term "consumer product" means any article produced or distributed for sale to a consumer for the use, consumption, or enjoyment of such consumer.

(e) The term "person" means an individual; a manufacturer; distributor; retailer; importer; government agencies at the Federal, State and local level; consumer organizations; industry and trade associations; standards writing bodies; professional societies; or any other group or organization of industries, companies, or individuals.

(f) The term "consumer product performance" means those characteristics of a consumer product such as durability, capacity, composition, color-fastness, and strength that are often difficult or impossible for consumers to evaluate or ascertain without actually buying and using the product under consideration.

4. *Finding of Need to Establish a Specification for Labeling a Consumer Product.* (a) Any person may request the Secretary to find that there is a need to label a particular consumer product with information concerning one or more specific performance characteristics of that product.

(b) Such a request shall be in writing and will, as a minimum, include the following information:

(1) Identification of the consumer product;

(2) Extent that the product identified in subparagraph (1) above is used by the public and, if known, what the production or sales volume is of such product;

(3) Nature and extent of difficulty experienced by consumers in making informed purchase decisions because of a lack of knowledge regarding the performance characteristics of the identified consumer product;

(4) Potential or actual loss to consumers as a result of an incorrect decision based on an inadequate understanding of the performance characteristics of the identified consumer product;

(5) Extent of incidence of consumer complaints arising from or reasonably traceable to lack of knowledge regarding the performance characteristics of the identified consumer product;

(6) If known, whether there currently exists test methods which could be used to test the performance characteristics of the identified consumer product and an identification of those test methods; and

(7) Reasons why it is felt, in cases where existing test methods are identified in responding to subparagraph (6) above, that such test methods are suitable for making objective measurements of the performance characteristics of the identified consumer product.

(c) The Secretary may ask for more information to support a request made under paragraph (a) of this section if he feels it is necessary to do so or, if he deems it to be in the public interest, may develop such information himself. If the Secretary determines that there is no need to establish a specification for labeling the requested consumer product performance characteristics, or because of a lack of resources, he will decline to act further on the request. The Secretary shall act expeditiously on all requests and shall notify the requester of his decision in writing. In those instances where the Secretary declines a request, he shall state the reasons for so declining.

(d) If the Secretary finds that a need exists to establish a specification for labeling a consumer product that would identify one or more performance characteristics of the consumer product identified in paragraph (b) of this section, he shall publish a notice in the FEDERAL REGISTER indicating that such finding is a preliminary finding. The notice shall include a statement as to the basis for the Secretary's finding and shall provide at least a thirty (30) day period for the submission of written comments thereon by interested persons. In the event that a public hearing or hearings are held on this preliminary finding as authorized under paragraph (e) of this section, the period allowed for the submission of written comments shall be extended to the date on which such hearing or hearings are held.

(e) Interested persons wanting to express their views regarding the Secretary's preliminary finding of need in an informal hearing shall notify the Secretary of that desire within fifteen (15) days after the notice is published in the FEDERAL REGISTER. Upon receipt by the Secretary of such request, informal public hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate by the Secretary, such hearings may be held at several locations within the United States. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript shall be kept of any oral presentations.

(f) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection and copying at that location.

(g) After evaluating the comments received, the Secretary shall publish a notice in the FEDERAL REGISTER making a final finding of need or withdrawing his preliminary finding of need made under paragraph (d) of this section. The notice shall state the basis for the Secretary's final finding of need or for the withdrawal of his preliminary finding.

(h) The Secretary may make a preliminary finding of need to establish a specification for labeling a consumer product with information concerning one or more performance characteristics of that product when such action is deemed by him to be in the public interest, notwithstanding the absence of a request from an outside source. The procedural requirements set out in paragraphs (d), (e), (f) and (g) of this section are applicable to the preliminary finding of need made by the Secretary under this paragraph.

5. *Development of Performance Information Labeling Specifications.* (a) If the Secretary makes a final finding of need pursuant to section 4 above, he will then proceed to develop a performance information labeling Specification. Each Specification shall as a minimum include:

(1) A description of the performance characteristics of the consumer product covered;

(2) The test methods to be used in measuring the performance characteristics. The test methods shall be methods described in existing nationally-recognized voluntary standards (preferably ANSI standards) where such methods are appropriate. Where appropriate test methods do not exist, they will be developed by the Department of Commerce in cooperation with interested parties;

(3) A prototype label and directions for displaying the label on or with the consumer product concerned; and

(4) Conditions of participation by manufacturers.

(b) The Secretary upon development of a proposed Specification shall publish in the FEDERAL REGISTER a notice giving the complete text of the proposed Specification, and any other pertinent information, and inviting any interested person to submit written comments on the proposed Specification within 45 days after its publication in the FEDERAL REGISTER, unless another time limit is provided by the Secretary. Interested persons wanting to express their views in an informal hearing may do so if, within 15 days

after the proposed Specification is published in the FEDERAL REGISTER".

they request the Secretary to hold a hearing. Such informal hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings shall be published in the FEDERAL REGISTER. A transcript shall be kept of any oral presentations.

(c) The Secretary, after consideration of all written and oral comments and other materials received in accordance with paragraph (b) of this section, shall publish in the FEDERAL REGISTER within 30 days after the final date for receipt of comments, or as soon as practicable thereafter, a notice either:

(1) Giving the complete text of a final Specification, including conditions of use, and stating that any manufacturer of consumer products desiring voluntarily to use the Department of Commerce Mark developed under section 9 of these Procedures must advise the Department of Commerce; or

(2) Stating that the proposed Specification will be further developed before final publication; or

(3) Withdrawing the proposed Specification from further consideration.

6. *Establishment of Fees and Charges.* (a) The Secretary in conjunction with the use of the Working Capital Fund of the National Bureau of Standards, as authorized under section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), for this Program, shall establish fees and charges for use of the Department of Commerce Label and Mark on each product. The fees and charges established by the Secretary, which may be revised by him when he deems it appropriate

to do so, shall be in amounts calculated to maximize the self-sufficiency of the operation of this Program. A separate notice will be published in the *FEDERAL REGISTER* simultaneously with the notice of each proposed Specification referred to in section 5(b). Such notice will set out a schedule of estimated fees and charges the Secretary proposes to establish. The notice would be furnished for informational and guidance purposes only in order that the public may evaluate the proposed Specification in light of the expected fees to be charged.

(b) At such time as the Secretary publishes the notice announcing the final Specification referred to in section 5(c)(1), he shall simultaneously publish a separate notice in the *FEDERAL REGISTER* setting forth the final schedule of fees that will be charged participating manufacturers. The effective date of such final schedule of fees shall be the same as the date on which the final Specification takes effect.

(c) Revisions, if any, to the fees and charges established by the Secretary under paragraph (b) of this section shall be published in subsequent *FEDERAL REGISTER* notices and shall take effect not less than thirty (30) days after the date of publication of such notice.

7. *Participation of Manufacturers.* (a) Manufacturers desiring to participate in this program will so notify the Secretary. The notification will identify the particular Specification to be used and the manufacturer's identification and model numbers for the products to be labeled. The notification will also state that the manufacturer will abide by all conditions contained in the Specification, agrees to pay the fees and charges established by the Secretary, and will desist from using the Department of Commerce Label and Mark if requested by the Secretary under the provisions of section 8.

(b) The conditions for participation will be set out in the Specification and will include, but not be limited to, the following:

(1) Prior to the use of a Label the manufacturer will make or have made the measurements to obtain the information required for inclusion on the Label and, if requested, will forward within 30 days such measurement data to the Secretary. Such measurement data will be kept on file by the manufacturer or his agent for two years after that product is no longer manufactured unless otherwise provided in the Specification.

(2) The manufacturer will describe the test results on the Label as prescribed in the Specification.

(3) The manufacturer will display or arrange to display, in accordance with the appropriate Specification, the Label on or with each individual product of the type covered except for units exported from the U.S. Manufacturers who utilize more than one brand name may participate by labeling some or all of the brand names. All models with the same brand name must be included in the Program unless they are for export only.

(4) The manufacturer agrees at his expense to comply with any reasonable request of the Secretary to have products manufactured by him tested to determine that testing has been done according to the relevant Specification.

(5) Manufacturers may reproduce the Department of Commerce Label and Mark in advertising provided that the entire Label, complete with all information required to be displayed at the point of retail sale, is shown legibly.

8. *Termination of Participation.* (a) The Secretary upon finding that a manufacturer is not complying with the conditions of participation set out in these Procedures or in a Specification may terminate upon 30 days notice the manufacturer's participation in the Program: Provided, that the manufacturer shall first be given an opportunity to show cause why the participation should not be terminated. Upon receipt of a notice of termination, a manufacturer may request within 30 days a hearing under the provisions of 5 U.S.C. 558.

(b) A manufacturer may at any time terminate his participation and responsibilities under this Program with regard to a specific type of product by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all consumer products of the type involved.

9. *The Department of Commerce Mark.* The Department of Commerce shall develop a Mark which shall be registered in the U.S. Patent and Trademark Office under 15 U.S.C. 1054 for use on each Label described in a Specification.

10. *Amendment or Revision of a Performance Information Labeling Specification.* The Secretary may by order amend or revise any Specification published under section 5. The Procedure applicable to the establishment of a Specification under section 5 shall be followed in amending or revising such Specification. Such amendment or revision shall not apply to consumer products manufactured prior to the effective date of the amendment or revision.

11. *Consumer Education.* The Secretary, in close cooperation and coordination with interested Government agencies, appropriate industry trade associations and industry members, organizations, and other interested persons shall carry out a program to educate consumers relative to the significance of the labeling program. Some elements of this Program shall also be directed toward informing retailers and other interested groups about the Program.

12. *Coordination with State and Local Programs.* The Secretary will establish and maintain an active program of communication with appropriate State and local government offices and agencies and will furnish and make available information and assistance that will promote uniformity in State, local and Federal programs for the labeling of performance characteristics of consumer products.

13. *Annual Report.* The Secretary will prepare an annual report of activities under the Program, including an evaluation of the Program and a list of participating manufacturers and types of consumer products.

AUTHORITY: Sec. 2, 31 Stat. 1449, as amended, sec. 1, 64 Stat. 371; (15 USC 272), Reorganization Plan No. 3 of 1946, Part VI.

APPENDIX A
Examples of European Labels

VDN SPECIFICATIONS**Capacity: 9-10 deciliters****Temperature - retaining properties: If jug is kept closed**

	after 6 hours	after 17 hours
boiling liquid (100°C)	at least 80°C	at least 70°C
cold liquid (6°C)	not more than 8°C	not more than 9°C

Figures assume that jug is full and is kept in ordinary room temperature (20°C). If the jug is only half full, the change in temperature will take place more rapidly as it also will if there is a still greater difference between the temperature of the content and that of the surrounding air.

Durability of the glass container: Rating for resistance against knocks against the casing: 3 (Scale is 1 to 5, where 5 represents the greatest strength). Will not crack if boiling hot liquid is poured in without previous warming up.

Tightness: Joint between the glass container and the casing is tight. Jug will not leak

Materials: Container: Glass**Casing:** SAN-plastic. Withstands temperatures of -40°C to + 90°C.**Stopper:** Precious wood with expanding rubber seal.**Care:** See attached folder**MANUFACTURER**

Care: Handle With Care. Since glass may explode, keep face away from opening.

VDN VARU FAKTA

Rymd: 9-10 dl.

Isoleringsförmåga: Vid förvaring i slutet kanna är efter 6 tim. efter 12 tim
kokhet dryck (100°C) minst 80°C minst 70°C
kall dryck (6°C) högst 6°C högst 8°C

Detta gäller om kanna är helt fylld och förvaras i vanlig rumstemperatur (20°C). För halvfyllt kanna ändras dryckens temperatur fortare. Ju större skillnaden är mellan dryckens och omgivningens temperatur, desto fortare ändras dryckens temperatur.

Glasets hållbarhet: Vid stöt och slag mot ytterhöljet: 3.
(Skala 1-5 där 5 innebär högsta mekaniska hållbarhet).
Kokhet dryck kan hållas i det ej föruppvärmda glaset utan att detta spricker.

Tätethet: Skarven mellan glas och ytterhölje är tät. Termosen läcker ej.

Material: Ytterhöljet — plast (SAN) tål +90° och -40°C. Innerflaska — glas. Handtag av ädelträ. Förslutning — expanderkork av ädelträ med gumpackning.

Skötsel: Se nedanstående anvisningar.

AB Husqvarna Borstfabrik 50023

Skötsel
Kanna måste behandlas varsamt. Föremål av glas kan explodera. Man bör därför ej luta sig med ansiktet över kanna.
Anvisningar i övrigt: se bifogad folder.

Figure 1: Typical Label used in the Swedish Institute for Informative Labeling (VDN) Program.

RAL CERTIFICATION
from test of sample
Vacuum Cleaner
RAL-AGT 3S

Floor Vacuum Cleaner Make
with suction hose, 2 vacuum pipes, rotating junction/
suction nozzle, upholstery and groove nozzle and filter bag
Nominal voltage, type of current, 220V, Nominal load 450W
Electrical Safety. The equipment carries the test symbol of
VDE (Society of German Electrical Engineers)
The following statements are based on DIN 44956:

- Dust and fiber suction (of wool and velours carpets)
Dust suction: low high
Fiber suction: Complete removal of test fibers in seconds
- Capacity for reception in the dust bag through suction
action: g test dust
- Limit of reach from electrical outlet to the nozzle: m
- Operating noise faint strong
(A number greater by 10 implies a doubled noise level)
- Suction distance under furniture (17 cm above floor) cm

RAL + Certificate and Control Number

Read operating instructions

RAL-TESTAT
nach Musterprüfung

Staubsauger
RAL-AGT 3S

Badenstaubsauger, Marke _____
mit Saugschlauch, 2 Saugrohren, Drehgelenkdüse/Saugdüse,
Polster- und Fugendüse und Filtertüte
Nennspannung, Stromart: 220 V~, Nennaufnahme: 450 W

• Elektrische Sicherheit: Das Gerät trägt das VDE-Prüfzeichen

Folgende Angaben sind nach DIN 44956 ermittelt:

- Staub- und Fäden-Aufsaugen (von Wall-Velours-Teppichen)
Staubaufsaugen: gering 10 30 50 70 90 hoch
Fädenaufsaugen: Vollständiges Aufsaugen von Prüffäden in ... sek.
- Aufnahmevermögen des Staubbeutel durch Saugen: g Prüfstaub
- Reichweite von der Steckdose bis zur Düse: ... m
- Betriebsgeräusch: schwach 60 65 70 75 80 stark
(Eine um 10 größere Zahl bedeutet verdoppeltes Geräusch)
- Saugreichweite unter Möbeln (bei 17 cm Bodenabstand): ... cm

RAL-TEST AT Nr. _____ kontrolliert
_____ 1) 3 SB _____ 2)

Gebrauchsanleitung beachten!

Figure 2: Typical Label used in the German Committee for Delivery Conditions and Quality Protection (RAL) Program

NOTICES

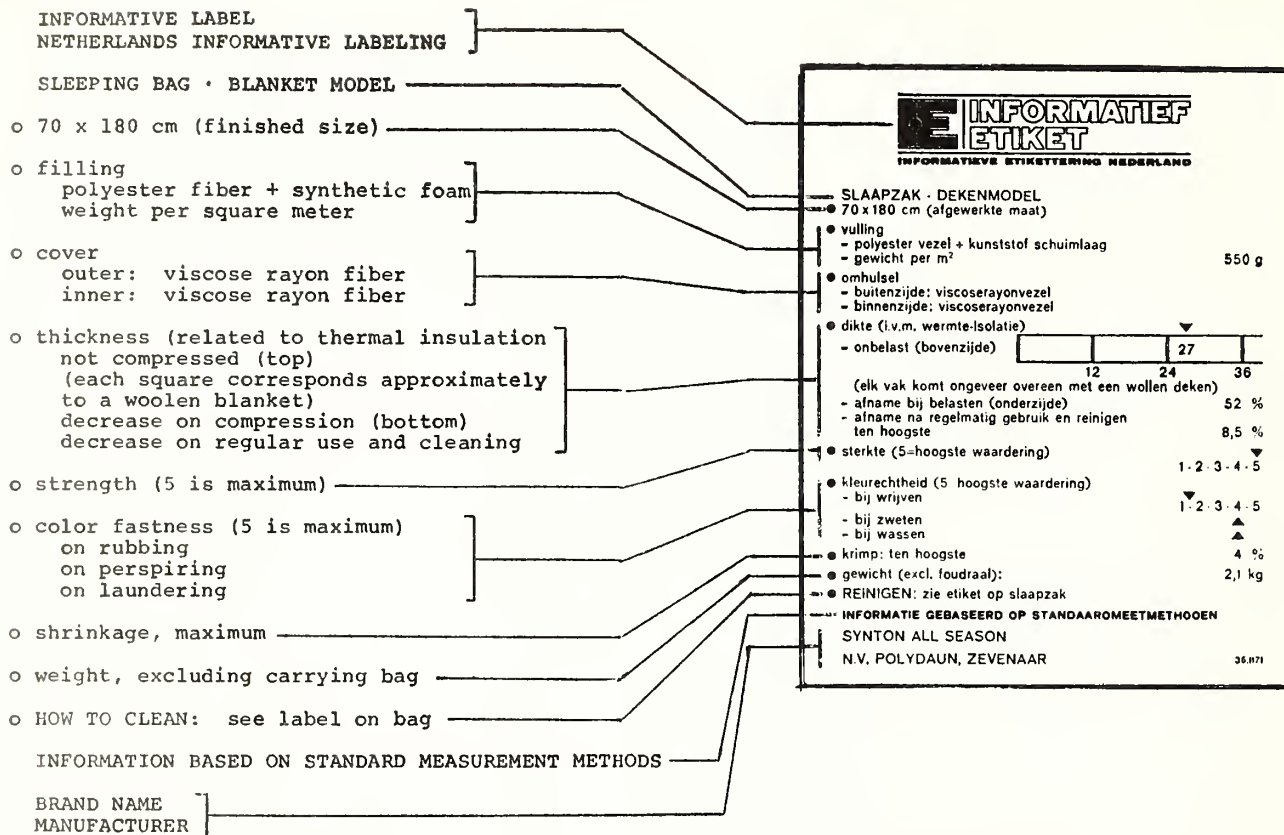


Figure 3: Typical Label used in the Netherlands Informative Labeling (IE) Program

[FR Doc.76-15123 Filed 5-19-76;4:18 pm]

Appendix B

U.S. DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

*Reprinted from Federal Register, Volume 42, Number 101--Wednesday, May 25, 1977
(Pages 26647-26651)*

Title 15—Commerce and Foreign Trade SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 16—PROCEDURES FOR A VOLUN- TARY CONSUMER PRODUCT INFORMA- TION LABELING PROGRAM

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Final rule.

SUMMARY: This new part to Title 15 CFR establishes procedures under which a voluntary consumer product information labeling program administered by the Department of Commerce will function. Consumers today are unable in many cases to make rational and accurate marketplace decisions because of lack of comparative, easily comprehensible information at the point of sale on important product performance characteristics. Accordingly, the goal of this program is to make available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form. The program is also intended to educate consumers, distributors, and retailers in the use of the product performance information displayed and provide manufacturers and other participants in the program with an opportunity to convey to the public the particular advantages of their products.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CON- TACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On May 25, 1976, the Department announced in the *FEDERAL REGISTER* (41 FR 21389) proposed procedures under which a voluntary consumer product information labeling program would be carried out provided substantial need and support for such a program could be demonstrated. The notice invited interested persons to participate in the proposed rulemaking by submitting written comments or suggestions to the Department. In addition, the notice advised that three informal hearings would be held on the proposed procedures.

Following the publication of the above mentioned May 25 notice, written statements and oral testimony were received by the Department from 97 respondents. The comments and testimony represented input from private citizens, consumer organizations, retailers, manufacturers, trade associations, testing laboratories, consulting organizations, educators, and government agencies. The written comments and transcripts of the hearings are part of the public record which is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 5316, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230.

The comments and testimony on the proposed procedures have been carefully considered and evaluated. A summary and analysis of the public's comments and testimony has been prepared by the Department. This document also is available for inspection and copying at the Department's Central Reference and Records Inspection Facility mentioned above.

With regard to the question of whether substantial need and support for the program were demonstrated in the comments received, sixty-four respondents favored initiation of the program. Those favoring the program included a majority of the private citizens, consumer organizations, educators, government agencies, and manufacturers of products other than mechanical, electrical and electronic products who commented. Twenty-three respondents opposed initiation of the program, and this group included a majority of the trade associations and manufacturers of mechanical, electrical and electronic products who commented. Seven respondents from various groups stated that they would support initiation of a mandatory program; however, such a course would be beyond the scope of the Department's proposal.

As noted, the comments received indicated that a number of private citizens, consumer organizations, educators, government agencies and manufacturers feel that there is a need for a consumer product information labeling program. Other comments indicated a lack of support by some manufacturers and trade associations comprising a significant segment of the consumer product industry.

Upon balancing the respective views, the Department has determined that the public interest will be served best by instituting the program on a limited pilot project basis, and at the end of one year of its operation, the Department will evaluate its results to decide whether the program merits continuance and, if so, whether to enlarge or reduce the size and scope of its operation.

A number of substantive changes in the proposed procedures were made as a result of the public's comments. The most significant changes involve simplification of the "finding of need" process and the addition of provisions under which portions of the program can be administered by designated agents who would make it unnecessary for program participants to report sensitive sales data directly to the Department of Commerce. Other changes in the procedures involve clarification of the language used and the addition of several terms to the section on definitions. These various changes are discussed in greater detail below.

The proposed procedures called for the use of a "finding of need" process that would have required two separate publications of notices in the *FEDERAL REGISTER* before work could be started on any Performance Information Labeling Specification. Though this procedure was designed to insure ample opportunity for public input into the product selection process, it also would have resulted in what some respondents believed to be unnecessary preliminary work and delay. Two respondents suggested that the selection process be simplified and shortened. Accordingly, upon further consideration it was deemed appropriate to eliminate the preliminary finding of need. Under § 16.4(c) the Secretary, upon receiving a request for a finding of need to establish a specification for labeling a consumer product may, if she deems it to be in the public interest, develop whatever additional information she feels is necessary. This could include consultation on a one-time basis with consumers, consumer organizations, and others. Accordingly, it is unnecessary to have a preliminary finding of need. Rather, the Secretary will make only one finding of need which will be a final agency action.

The proposed procedures also called for the establishment of fees and charges for participation in the program. According to most respondents who commented on this topic, the most equitable basis

for establishing such fees would be to relate the total fee paid by any one participant to the number of units of the product on which labels were placed. The administration of such a fee schedule, however, would require participants to report to the Department the number of units produced and labeled. Such information is considered by many producers to be confidential. Hence, in order to avoid the necessity for the disclosure of such confidential data or other valuable proprietary trade information to the Secretary and thus permit the association of such data and information with a particular participant, and in accordance with other suggestions made that the program be at least partly administered by industry, provisions were added to the final procedures under which individuals or organizations such as trade associations could, when authorized by the Secretary of Commerce, serve as designated agents who would collect fees and statistical information from consenting participants, consolidate such fees and information from a number of participants, and transmit to the Secretary the consolidated fees and information (§ 16.9). In addition, the proposed procedures were revised to recognize the validity of cost to participants as an item to be considered in the program (§ 16.4(b)(8)).

Finally, the proposed procedures were revised to clarify and improve the language in some areas. For example, the term "participant" is now used to indicate any manufacturer, assembler, private brand labeler, or importer of consumer products who participates in the program, in place of the term "manufacturer" that was used previously. The definition of the term "consumer product" was revised specifically to exclude products customarily intended primarily for business, commercial, or industrial use. Definitions for the terms "Specification" and "designated agent" were added to the final procedures, and several other minor changes were made.

The procedures appended to this notice have been carefully reviewed pursuant to the provisions of Executive Order No. 11821 dated November 27, 1976 (39 FR 41501 dated November 29, 1974), Office of Management and Budget Circular No. A-107 dated January 28, 1975, and Department of Commerce Administrative Order 218-6 dated September 12, 1975, and it has been determined that the promulgation of these procedures will have no major inflationary impact. Each project to develop a Performance Information Labeling Specification initiated under these procedures to effect the labeling of a specific class of consumer product will be carefully examined and evaluated to ascertain whether such project would have a major inflationary impact under the criteria described in the above referenced Executive Order, Office of Management and Budget Circular, and Department of Commerce Administrative Order.

Issued: May 19, 1977.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

Part 16 is added to Title 15 CFR to read as follows:

- | | |
|-------|---|
| Sec. | Purpose. |
| 16.1 | Description and goal of program. |
| 16.2 | Definitions. |
| 16.3 | Finding of need to establish a specification for labeling a consumer product. |
| 16.4 | Development of performance information labeling specifications. |
| 16.5 | Establishment of fees and charges. |
| 16.6 | Participation in program. |
| 16.7 | Termination of participation. |
| 16.8 | Rules governing designated agents. |
| 16.9 | The Department of Commerce mark. |
| 16.10 | Amendment or revision of a performance information labeling specification. |
| 16.11 | Consumer education. |
| 16.12 | Coordination with State and local programs. |
| 16.13 | Annual report. |
| 16.14 | |

AUTHORITY: Sec. 2, 31 Stat. 1449, as amended; sec. 1, 64 Stat. 371; (15 U.S.C. 272); Reorganization Plan No. 3 of 1946, Part VI.

§ 16.1 Purpose.

The purpose of this part is to establish procedures under which a voluntary consumer product information labeling program administered by the Department of Commerce will function.

§ 16.2 Description and goal of program.

(a) The Department's Voluntary Consumer Product Information Labeling Program makes available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form so as to facilitate accurate consumer purchasing decisions and enhance consumer satisfaction. It also educates consumers, distributors and retailers in the use of the product performance information displayed and provides manufacturers and other persons who participate in the program with an opportunity to convey to the public the particular advantages of their products. These objectives are accomplished by:

1. Selecting or developing standardized test methods by which selected product performance characteristics can be measured;

2. Developing labeling methods by which information concerning product performance can be transmitted in useful form to consumers at the point of sale;

3. Encouraging manufacturers and other participants in the program voluntarily to test and label their products according to the selected or developed methods; and

4. Encouraging consumers through various informational and educational programs to utilize the product performance information provided.

(b) The program involves voluntary labeling by enrolled participants of selected categories of consumer products with information concerning selected performance characteristics of those products. The performance characteristics selected are those that are of demonstrable importance to consumers, that consumers cannot evaluate through mere inspection of the product, and that can be measured objectively and reported understandably to consumers. The consumer products covered include

those for which incorrect purchase decision can result in financial loss, dissatisfaction, or inconvenience. The program seeks to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this program.

(c) For selected categories of consumer products, the program includes advertising guidelines covering situations where quantitative performance values are stated in advertising or where qualitative comparisons are made of the performance of different products.

§ 16.3 Definitions.

(a) The term "Secretary" means the Secretary of Commerce or her designee.

(b) The term "consumer" means the first person who purchases a consumer product for purposes other than resale.

(c) The term "participant" means a manufacturer, assembler or private brand labeler of consumer products or an importer of such products for resale and who participates in the program.

(d) The term "consumer product" means any article produced or distributed for sale to a consumer for the use, consumption, or enjoyment of such consumer. The term does not include products customarily intended primarily for business, commercial, or industrial use.

(e) The term "person" means an individual; a manufacturer; distributor; retailer; importer; private brand labeler; government agency at the Federal (including any agency of the Department of Commerce), State and local level; consumer organization; trade association; standards writing body; professional society; testing laboratory; or educational institution.

(f) The term "performance characteristic" means a performance characteristic of a consumer product that can be measured in an objective manner with respect to a given consumer product.

(g) The term "Specification" means a Performance Information Labeling Specification developed under § 16.5.

(h) The term "label" means printed matter affixed to or otherwise provided with a consumer product and containing all of the performance characteristics as prescribed by the Specification applicable to that product.

(i) The term "designated agent" means a person as defined in paragraph (e) of this section, who has been designated by the Secretary to carry out appropriate operational procedures on behalf of more than one participant in this program in accordance with rules set out under § 16.9.

§ 16.4 Finding of need to establish a specification for labeling a consumer product.

(a) Any person may request the Secretary to find that there is a need to label a particular consumer product with information concerning one or more specific performance characteristics of that product.

(b) Such a request shall be in writing and will, to the extent practicable, include the following information:

1. Identification of the consumer product;

2. Extent that the product identified in subparagraph (1) of this paragraph is used by the public and, if known, what the production or sales volume is of such product;

3. Nature and extent of difficulty experienced by consumers in making informed purchase decisions because of a lack of knowledge regarding the performance characteristics of the identified consumer product;

4. Potential or actual loss to consumers as a result of an incorrect decision based on an inadequate understanding of the performance characteristics of the identified consumer product;

5. Extent of incidence of consumer complaints arising from or reasonably traceable to lack of knowledge regarding the performance characteristics of the identified consumer product;

6. If known, whether there currently exist test methods which could be used to test the performance characteristics of the identified consumer product and an identification of those test methods;

(7) Reasons why it is felt, in cases where existing test methods are identified in responding to subparagraph (6) of this paragraph, that such test methods are suitable for making objective measurements of the performance characteristics of the identified consumer product; and

(8) Estimated cost to participants to test and label the product.

(c) The Secretary may ask for more information to support a request made under paragraph (a) of this section if she feels it is necessary to do so, or, if she deems it to be in the public interest, may develop such information herself as by consultation on a one-time basis with consumers, consumer organizations, and others. The Secretary shall act expeditiously on all requests and shall notify the requester of her decision in writing. If the Secretary determines that there is no need to establish a Specification for labeling the requested consumer product performance characteristics, or because of a lack of resources, she will decline to act further on the request. In those instances where the Secretary declines a request, she shall state the reasons for so declining.

(d) If the Secretary finds that a need exists to establish a Specification for labeling a consumer product under this program, she shall publish a notice in the FEDERAL REGISTER setting out such finding and its basis and stating that she is developing a proposed Specification in accordance with § 16.5.

§ 16.5 Development of performance information labeling Specifications.

(a) If the Secretary makes a finding of need pursuant to § 16.4, she will publish a proposed Performance Information Labeling Specification in the FEDERAL REGISTER with a notice giving the complete text of the proposed Specification and any other pertinent information. The notice will invite any interested person to submit written comments on the proposed Specification within 45 days after its publication in the FEDERAL REGISTER, unless another time limit is provided by the Secretary. Interested persons wanting to express their views in an informal hearing may do so, if within

15 days after the proposed Specification is published in the FEDERAL REGISTER, they request the Secretary to hold a hearing. Such informal hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings shall be published in the FEDERAL REGISTER. A transcript shall be kept of any oral presentations.

(b) Each Specification shall as a minimum include:

(1) A description of the performance characteristics of the consumer product covered;

(2) An identification by reference of the test methods to be used in measuring the performance characteristics. The test methods, where they exist and are deemed appropriate for inclusion in the particular Specification involved, shall be those which are described in nationally-recognized voluntary standards. Where appropriate test methods do not exist, they will be developed by the Department of Commerce in cooperation with interested parties and set out in full in the Specification;

(3) A prototype label and directions for displaying the label on or with the consumer product concerned. Such directions will not prohibit the display of additional information by the participant on space adjacent to the marked boundaries of the label; and

(4) Conditions of participation.

(c) The Secretary, after consideration of all written and oral comments and other materials received in accordance with paragraph (a) of this section, shall publish in the FEDERAL REGISTER within 30 days after the final date for receipt of comments, or as soon as practicable thereafter, a notice either:

(1) Giving the complete text of a final Specification, including conditions of use, and stating that any prospective participant in the program desiring voluntarily to use the Department of Commerce Mark developed under § 16.10 must advise the Department of Commerce; or

(2) Stating that the proposed Specification will be further developed before final publication; or

(3) Withdrawing the proposed Specification for further consideration.

§ 16.6 Establishment of fees and charges.

(a) The Secretary in conjunction with the use of the Working Capital Fund of the National Bureau of Standards, as authorized under section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), for this program, shall establish fees and charges for use of the Department of Commerce Label and Mark on each product. Such fees and charges shall be related to the number of units of products labeled, where appropriate. The fees and charges established by the Secretary, which may be revised by her when she deems it appropriate to do so, shall be in amounts calculated to make the operation of this program as self-sufficient as reasonable. A separate notice will be published in the FEDERAL REGISTER simultaneously with the notice of each proposed Specification referred to

in § 16.5(a). Such notice will set out a schedule of estimated fees and charges the Secretary proposes to establish. The notice would be furnished for informational and guidance purposes only in order that the public may evaluate the proposed Specification in light of the expected fees to be charged.

(b) At such time as the Secretary publishes the notice announcing the final Specification referred to in § 16.5(c)(1), she shall simultaneously publish a separate notice in the FEDERAL REGISTER setting forth the final schedule of fees that will be charged participants in the program. The effective date of such final schedule of fees shall be the same as the date on which the final Specification takes effect.

(c) Revisions, if any, to the fees and charges established by the Secretary under paragraph (b) of this section shall be published in subsequent FEDERAL REGISTER notices and shall take effect not less than thirty (30) days after the date of publication of such notice.

§ 16.7 Participation in Program.

(a) Any manufacturer, assembler, or private brand labeler of consumer products, or importer of such products for resale, desiring to participate in this program will so notify the Secretary. The notification will identify the particular Specification to be used and the prospective participant's identification and model numbers for the products to be labeled. The notification must include a statement that if accepted as a participant in the program by the Secretary, the prospective participant will:

(1) Abide by all conditions imposed by these procedures;

(2) Abide by the conditions contained in the Specification, as prescribed in paragraph (d) of this section;

(3) Pay the fees and charges established by the Secretary; and

(4) Desist from using the Department of Commerce Label and Mark if his participation is terminated under § 16.8.

(b) The Secretary shall act expeditiously on all requests to participate in the program and shall notify each prospective participant of her decision in writing. In those instances where the Secretary declines a request, she shall state the reasons for so declining.

(c) If a prospective participant seeking to participate in the program is notified by the Secretary that she proposes to deny that prospective participant the right to participate, that prospective participant shall have thirty (30) days from the receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to such prospective participant in the event that he does not appeal such notification by the end of the thirty (30) day period. If however, such prospective participant requests a hearing within that thirty (30) day period, the Secretary's proposed denial shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

(d) The conditions set out in each Specification will include, but not be limited to, the following:

(1) Prior to the use of a Label, the participant will make or have made the measurements to obtain the information required for inclusion on the Label and, if requested, will forward within 30 days such measurement data to the Secretary. Such measurement data will be kept on file by the participant or his agent for two years after that product is no longer manufactured unless otherwise provided in the Specification.

(2) The participant will describe the test results on the Label as prescribed in the Specification.

(3) The participant will display or arrange to display, in accordance with the appropriate Specification, the Label on or with each individual product of the type covered except for units exported from the U.S. Participants who utilize more than one brand name may participate by labeling some or all of the brand names. All models with the same brand name must be included in the program unless they are for export only.

(4) The participant agrees at his expense to comply with any reasonable request of the Secretary to have consumer products manufactured, assembled, imported, or privately brand labeled by him tested to determine that testing has been done according to the relevant Specification.

(5) Participants may reproduce the Department of Commerce Label and Mark in advertising: *Provided*, That the entire Label, complete with all information required to be displayed at the point of retail sale, is shown legibly and is not combined or associated directly with any other mark or logo.

§ 16.8 Termination of participation.

(a) The Secretary upon finding that a participant is not complying with the conditions set out in these procedures or in a Specification may terminate upon 30 days notice the participant's right to continue his participation in the program: *Provided*, That the participant shall first be given an opportunity to show cause why the participation should not be terminated.

(b) Upon receipt of a notice from the Secretary of the proposed termination, which notice shall set forth the reasons for such proposed termination, the participant shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed termination shall become final through the issuance of a written decision to the participant in the event such participant does not appeal the proposed termination within the thirty (30) day period. If, however, the participant requests a hearing within the thirty (30) day period, the Secretary's proposed termination shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

(c) A participant may at any time terminate his participation and responsibilities under this program with regard to a specific type of product by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all consumer products of the type involved.

§ 16.9 Rules Governing Designated Agents.

(a) The following rules, requirements and tasks shall be applicable with respect to the seeking of designated agent status and the performance of that role after such status has been obtained. Each person desiring to be designated as a designated agent under this program shall:

(1) Make written application to the Secretary;

(2) Provide appropriate information showing his qualifications to represent members within a given product area and that more than one prospective participant in that product area is agreeable to such representation; and

(3) Agree to service any participant in this program in the agent's cognizant product area whether or not such participant is a member of the organization or body which that agent represents.

(b) The Secretary may require a person seeking designated agent status to supply further information before granting such status to that person. The Secretary will notify each person seeking designated agent status, in writing, as expeditiously as possible after evaluating such person's application.

(c) Each person granted designated agent status shall:

(1) Provide the Secretary with a list of the participants that the designated agent services under the program. The Secretary shall also be provided an updated list as soon thereafter as may be practicable whenever there are any changes in the list;

(2) Collect fees and charges from the participants serviced under this program, consolidate such sums, and transmit those fees and charges required under § 16.6 to the Secretary;

(3) Distribute Department of Commerce Marks developed under § 16.10 or instructions for the printing of such Marks to the participants that the designated agent services under this program;

(4) Gather and consolidate such statistical information as may be required by the Secretary from individual participants serviced;

(5) Provide the Secretary with reports, including the consolidated statistical information referred to in subparagraph

(4) of this paragraph, as may be called for by her, relative to the activities of the participants the designated agent is servicing; and

(6) Perform any additional tasks mutually agreed upon by the designated agent and the Secretary.

(d) If a person seeking designated agent status is notified by the Secretary that she proposes to deny that person such status, that person shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to such person in the event that he does not appeal such notification by the end of that thirty (30) day period. If, however, such person requests a hearing within that thirty (30) day period, the Secretary's proposed denial shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

(e) If the Secretary finds that a desig-

nated agent has violated the terms of paragraph (c) of this section, she may, after consultation with such designated agent, notify such person that she proposes to revoke his status as a designated agent.

(f) Upon receipt of a notice from the Secretary of the proposed revocation, which notice shall set forth the reasons for such proposed revocation, the designated agent shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of U.S.C. 556. The Secretary's proposed revocation shall become final through the issuance of a written decision to the designated agent in the event such designated agent does not appeal the proposed revocation within that thirty (30) day period. If, however, the designated agent requests a hearing within that thirty (30) day period, the Secretary's proposed revocation shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

§ 16.10 The Department of Commerce Mark.

The Department of Commerce shall develop a Mark which shall be registered in the U.S. Patent and Trademark Office under 15 U.S.C. 1054 for use on each Label described in a Specification.

§ 16.11 Amendment or Revision of a Performance Information Labeling Specification.

The Secretary may by order amend or revise any Specification published under § 16.5. The procedure applicable to the establishment of a Specification under § 16.5 shall be followed in amending or revising such Specification. Such amendment or revision shall not apply to consumer products manufactured prior to the effective date of the amendment or revision.

§ 16.12 Consumer Education.

The Secretary, in close cooperation and coordination with interested Government agencies, appropriate trade associations and industry members, consumer organizations, an other interested persons shall carry out a program to educate consumers relative to the significance of the labeling program. Some elements of this program shall also be directed toward informing retailers and other interested groups about the program.

§ 16.13 Coordination with State and Local Programs.

The Secretary will establish and maintain an active program of communication with appropriate State and local government offices and agencies and will furnish and make available information and assistance that will promote uniformity in State and local programs for the labeling of performance characteristics of consumer products.

§ 16.14 Annual Report.

The Secretary will prepare an annual report of activities under the program, including an evaluation of the program and a list of participants, designated agents, and types of consumer products covered.

[FR Doc.77-14851 Filed 5-20-77;3:00 pm]

[3510-18]

Title 15—Commerce and Foreign Trade
SUBTITLE A—OFFICE OF THE SECRETARY
OF COMMERCE

PART 16—PROCEDURES FOR A VOLUN-
TARY CONSUMER PRODUCT INFORMA-
TION LABELING PROGRAM

Amendment to Authorize the Secretary to
Suspend Fees and Charges

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Rule.

SUMMARY: This document amends the procedures for the Voluntary Consumer Product Information Labeling Program to authorize the Secretary at any time to suspend for any length of time the requirement for her to establish fees and charges for participation in the program. This amendment will provide the Secretary with greater flexibility to encourage participation by manufacturers and others in this program.

EFFECTIVE DATE: December 5, 1977.
FOR FURTHER INFORMATION CONTACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On May 25, 1977, the Department of Commerce announced in the *FEDERAL REGISTER* (42 FR 26647) procedures under which a Voluntary Consumer Product Information Labeling Program administered by the Department will function. The Department determined that the program would be instituted on a limited pilot project basis. Section 16.6 (a) of the procedures provides that the Secretary shall establish fees and charges for use of the Department of Commerce Label and Mark on each product.

On August 30, 1977, the Department announced in the *FEDERAL REGISTER* (42 FR 43641) that, upon further study of the need to establish such fees and charges, it had been determined that it would be in the public interest to dispense with all fees and charges at least for the duration of the limited pilot project in order to encourage participation by manufacturers in the program. In order to provide the Secretary with authority to suspend the fees and charges required by § 16.6(a) of the procedures, a proposed amendment was published in the *FEDERAL REGISTER* (42 FR 43641, August 30, 1977). Interested persons were invited to submit written comments on the proposed amendment on or before September 29, 1977.

Comments concerning the proposed amendment were received from two sources. The first of these was submitted by the Office of Consumer Affairs, Department of Health, Education, and

Welfare, which stated support for the proposed amendment and offered certain suggestions for the Department's consideration that might additionally increase industry acceptance of the program. These suggestions were not directed toward the proposed amendment; however, the Department may consider them in its continuing review of the program.

The second comment was provided by Electrical Testing Laboratories, Inc. (ETL), New York, N.Y. ETL stated opposition to the proposed amendment because it would increase the amount of taxpayer's money used to support a program that ETL considers competitive with available existing programs. ETL stated that the proposed amendment represents the utilization of taxpayer's money to subsidize programs that are competitive with existing, available programs. After careful consideration, the Department has determined that if the Procedures for the Voluntary Consumer Product Information Labeling Program (CPILP) provide the Secretary with authority to suspend fees and charges, the public interest will be served in appropriate cases by encouraging companies to participate in the program who would not do so if they had to pay such fees and charges. The Department does not believe that this program will compete with existing programs, but that it will operate in conjunction with such programs. Therefore, the comment by ETL is not considered persuasive.

Copies of the two letters of comment received and a summary and analysis of these letters are available for public inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Accordingly, in order to provide the Secretary with authority to suspend the fees and charges required by § 16.6(a) of the procedures, these procedures are hereby amended by adding a new paragraph (d) to § 16.6 as set forth below.

NOTE.—The Department of Commerce has determined that adoption of this amendment does not constitute a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and Office of Management and Budget Circular No. A-107.

Issued: October 31, 1977.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

15 CFR 16.6 is amended by adding a new paragraph (d) to read as follows:
 § 16.6 Establishment of fees and charges.

(d) The establishment of fees and charges under this section may, at any time, be suspended by the Secretary for any length of time.

[FR Doc.77-32082 Filed 11-1-77; 5:07 pm]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF
COMMERCEPART 16—PROCEDURES FOR A VOLUNTARY
CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Amendment To Permit CPILP Labels To Include Information About a Performance Characteristic When Another Federal Agency Requires Labeled Information About That Characteristic

AGENCY: Assistant Secretary for Science and Technology, U.S. Department of Commerce.

ACTION: Rule.

SUMMARY: This document amends the procedures for the Voluntary Consumer Product Information Labeling Program (CPILP) to authorize the Department of Commerce to include on CPILP labels for selected consumer products information about performance characteristics which are included in the labeling program of another Federal agency, provided the other agency agrees. The object of the amendment is to decrease the complexity of labeling for manufacturers by enabling them to comply with the labeling requirements of other Government programs through participation in CPILP, and to simplify product comparison by consumers at the point of sale.

EFFECTIVE DATE: March 31, 1978.

FOR FURTHER INFORMATION
CONTACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On May 25, 1977, the Department of Commerce announced in the *FEDERAL REGISTER* (42 FR 28647) procedures under which a Voluntary Consumer Product Information Labeling Program administered by the Department will function. The Department determined that the program would be instituted on a limited pilot project basis. The goal of this program is to make available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form.

Other Government agencies—such as the Federal Trade Commission, the Consumer Product Safety Commission, and the Environmental Protection Agency—also are proposing or considering various information disclosure requirements for consumer products. In many cases, however, it would be desirable to provide on a single label information of interest to consumers about a wider range of attributes than is being considered for labeling requirements by any one

agency. For selected consumer products, the Department of Commerce desires to make CPILP labels compatible with the corresponding labeling requirements or recommendations promulgated by other agencies, so that the information disclosure requirements of those agencies can be satisfied by participation in CPILP. In such cases, product labeling would be simplified for manufacturers participating in CPILP since compliance with those other agency requirements would be assured. Product comparison by consumers at the point of sale also would be simplified since all of the information would be on a single label having a uniform, consumer-oriented format.

The final sentence in § 16.2(b) of the CPILP procedures states that: "The program seeks to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this program." In view of the above stated desire of the Department of Commerce to include on CPILP labels performance characteristics which are included in other Federal labeling programs, a proposed amendment was published in the *FEDERAL REGISTER* (42 FR 64909, December 29, 1977) to amend the final sentence of § 16.2(b) of the CPILP procedures. It was emphasized in the preamble to the proposed amendment that CPILP is a voluntary program, and that manufacturers can comply with the labeling requirements of other Federal agencies without participating in CPILP. Interested persons were invited to submit written comments on the proposed amendment on or before January 30, 1978.

Comments concerning the proposed amendment were received from two sources. A card dated January 3, 1978, from Amy Beckett, 1310 East Meadowmere, Springfield, Mo. 65804, endorsed "the Commerce Department proposal to coordinate Federal product labeling requirements." The second letter dated January 16, 1978, was received from Lawrence H. Hodges, Vice President, Technical Affairs, J I Case Co., 700 State Street, Racine, Wis. 53404. This letter states, "J I Case Co. supports the Department's proposal that certain mandated labeling required by the regulations of other regulatory agencies and the labeling required by voluntary participants in the DoC's 'Voluntary Consumer Product Information Labeling Program (CPILP)' be, in some instances, incorporated into one label."

Copies of the two letters of comment received, and a summary and analysis of these letters are available for public inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

For purposes of clarity, the amendment language was changed slightly so that the amendment consists of adding a new sentence at the end of § 16.2(b). Accordingly, the CPILP procedures are hereby amended as set forth below.

Notz.—The Department of Commerce has determined that adoption of this amendment does not constitute a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and Office of Management and Budget Circular No. A-107.

Issued: February 24, 1978.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

§ 16.2 (Amended)

15 CFR Part 16 is amended by adding the following sentence at the end of § 16.2(b):

However, where the Federal agency concerned agrees, the Department of Commerce may include information about those performance characteristics in CPILP labels if, by doing so, product comparison at the point of sale is simplified for consumers, and the complexity of product labeling is reduced for the manufacturers by enabling them to comply with the labeling requirements of other Federal agencies through participation in CPILP.

Section 16.2(b), as amended, will read in its entirety as follows:

§ 16.2 Description and goal of program.

(b) The program involves voluntary labeling by enrolled participants of selected categories of consumer products with information concerning selected performance characteristics of those products. The performance characteristics selected are those that are of demonstrable importance to consumers, that consumers cannot evaluate through mere inspection of the product, and that can be measured objectively and reported understandably to consumers. The consumer products covered include those for which incorrect purchase decision can result in financial loss, dissatisfaction, or inconvenience. The program seeks to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this program. However, where the Federal agency concerned agrees, the Department of Commerce may include information about those performance characteristics in CPILP labels if, by doing so, product comparison at the point of sale is simplified for consumers, and the complexity of product labeling is reduced for the manufacturers by enabling them to comply with the labeling requirements of other Federal agencies through participation in CPILP.

[FR Doc. 78-5398 Filed 2-28-78; 8:45 am]

Appendix C

Department of Commerce

Voluntary Consumer Product Information Labeling Program

Abstract of Program Procedures

NOTE: Program procedures were published in the Federal Register on May 25, 1977 (42FR26647), and were amended on November 4, 1977 (42FR57686) and March 1, 1978 (43FR8254). This abstract covers much of the content of the procedures, but is not intended as a substitute for the official document or for any of the terms, conditions, or requirements which are set out in that document.

16.1 Purpose. The purpose of this part (Part 16, Title 15) of the Code of Federal Regulations is to establish operating procedures for the Department of Commerce Voluntary Consumer Product Information Labeling Program.

16.2 Program Goal. The goal of the program is to make product performance information available to consumers at the point of sale. A further goal is to educate consumers in the use of product performance information. The program will also help participants more accurately describe to consumers the performance of their products.

Program participants such as manufacturers and retailers will test their products using standardized test methods and will label their products with the results of the tests. Products covered will be those that consumers have difficulty evaluating and comparing. Performance characteristics covered will be chiefly those that are important to consumers and can be measured objectively, but that consumers cannot determine through mere inspection of the product. Performance characteristics covered by programs of other Federal agencies will be covered only when the other agency agrees.

The program will also cover some advertising requirements for labeled products.

16.3 Definitions. The terms used have the following meanings:

"Secretary" means the Secretary of Commerce.

"Consumer" means the person who purchases a consumer product for his or her own use.

"Participant" means a manufacturer, assembler, importer, or private brand labeler of consumer products who is in the program.

"Consumer product" means a product sold to a consumer for his or her own use, except for products that are intended primarily for business or industrial use.

"Person" means an individual or any of several types of business, industrial, educational, or government organizations.

"Performance characteristic" means an aspect of a product's performance that can be measured objectively.

"Specification" means a Performance Information Labeling Specification as discussed in section 16.5.

"Label" means printed matter accompanying a consumer product and describing that product's performance.

"Designated agent" means an individual or organization representing participants in the program.

16.4 Products to be Covered. Any person may ask the Secretary to label a particular consumer product with performance information. The request should include all information that person has available on the problems associated with the suggested product, including knowledge of any current test methods which could be used to measure the performance of suggested product. The Secretary may obtain additional information from the requester or from other sources.

The Secretary will notify the person who requested the labeling of her decision. If the Secretary determines that the product should be labeled, she will also publish a "finding of need" in the Federal Register.

16.5 Labeling Specifications. A Performance Information Labeling Specification will be developed for each type of consumer product to be labeled. Each Specification will describe the test methods to be used, the label design, and all program rules relating to the particular product.

Each new proposed Specification will be published in the Federal Register for public comment. Anyone may send their comments to the Secretary, or request a public hearing.

When all the comments are in, the Specification will be either revised and published in final form or withdrawn, depending on the nature of the comments.

16.6 Fees. The Secretary will set fees to be paid by participants in the program. The fee schedule for a particular consumer product will be published in the Federal Register at the same time as the Specification. Fees will be related to the number of products labeled, where appropriate. The Secretary may suspend the fee requirement at any time for any length of time.

16.7 Participants. Any manufacturer, assembler, importer, or private brand labeler of a covered consumer product may ask to be in the program. The Secretary will notify the applicant whether he or she has been admitted. Any applicant who is not admitted may request a hearing.

Participants must agree to follow the rules of the program.

16.8 Termination of Participation. Participants who do not follow the rules of the program may be removed from the program. Participants who are notified of impending removal may request a hearing.

Participants may drop out of the program whenever they wish.

16.9 Designated Agents. Individuals and some types of business, industrial, or educational organizations may ask to be designated agents in the program. The Secretary will notify each applicant whether he or she has been accepted. Any applicant who is not accepted may request a hearing.

Designated agents collect information and fees from participants who want to use their services. The agents consolidate the fees and information collected and send them to the Department of Commerce. This permits participants to be in the program without revealing their exact sales figures.

Designated agents who do not follow the rules of the program may be removed from the program. Designated agents who are notified of impending removal may request a hearing.

16.10 DoC Mark. The Department of Commerce will develop and register a distinctive mark to be used on each label described in a specification.

16.11 Revision of Specifications. Performance Information Labeling Specifications may be revised using the same procedures that were used to develop them, but the revision will not apply to consumer products manufactured before the revision.

16.12 Consumer Education. A consumer education program will be carried out as part of the labeling program.

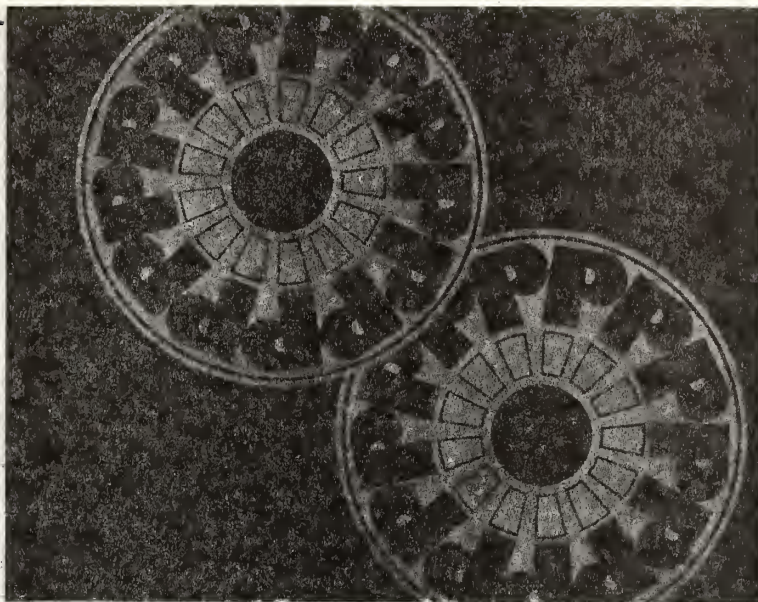
16.13 Coordination. The program will be coordinated with State and local programs.

16.14 Annual Report. Program activities will be described in annual reports.

revised 6/17/77
11/8/77
3/10/78

U.S. DEPARTMENT OF COMMERCE

Voluntary CONSUMER PRODUCT Information Labeling Program



POSTAGE AND FEES PAID
U.S. DEPARTMENT OF COMMERCE
COM-215
THIRD CLASS MAIL
BULK RATE

U.S. DEPARTMENT OF COMMERCE
Office of Product Standards
Washington, D.C. 20230
OFFICIAL BUSINESS
Penalty for Private Use, \$300

U.S. DEPARTMENT OF COMMERCE
Office of Product Standards
Washington, D.C. 20230

OFFICIAL BUSINESS

Penalty for Private Use, \$300

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF COMMERCE
COM-215

THIRD CLASS MAIL
BULK RATE



Consumer Product Information Labeling Program
U.S. DEPARTMENT OF COMMERCE
Office of Product Standards
Washington, D.C. 20230

Where Do YOU Get Product Information?

- over the fence
- over the phone
- in the library
- from the TV
- under the table
- over the counter
- in the Sunday supplement

Unfortunately, when you're standing in the store, ready to make a purchase, and need reliable product performance information, it's not always available to you. And if the information is there, it's difficult to compare from product to product because the information is not presented in the same form. A new program has been developed in an effort to make this information available at the point of sale in a convenient and understandable form.

The Program—What Is It?

If you choose a product based on little or no information—it could cost you money and time, and result in dissatisfaction and inconvenience. The Voluntary Consumer Product Information Labeling Program (CPILP) was initiated in June 1977 by the U.S. Department of Commerce (DOC) as a 12-month pilot program to address this need for more and better consumer product performance information. Performance characteristics information, such as the cleaning ability of vacuum cleaners or the durability of tile flooring, is needed at the point-of-sale. The purpose of the program is to help you make better purchase decisions by providing comparative information on important product performance characteristics when you need it most—in the store. If the program proves to be successful at the end of a year's time, it will be continued and expanded to include more consumer products.

How the Program Works

The success of this program depends on a cooperative effort by government, industry, and YOU, the consumer.

GOVERNMENT'S ROLE: The U.S. Department of Commerce, based on requests from any person, will select the products to be labeled and develop the guidelines for the labeling process. Working with consumers, manufacturers, producers, distributors, retailers, and other interested groups, the DOC will select the performance characteristics to be included on the label.

INDUSTRY'S ROLE: Any manufacturer, assembler, importer, or private brand labeler of a consumer product may volunteer to participate in the program. Participants will provide the performance information for the CPILP label according to Government guidelines. CPILP offers industry a valuable opportunity to convey the particular advantages of their products to YOU.

Your Role:

You can request that a product be labeled . . . and it's easy, all it takes is writing a letter. The more information you can send us about the product, the better, but we're particularly interested in:

- the kind of information you feel is needed on a CPILP label and why
- how the lack of this information results in poor purchases
- any and all other information about the product that YOU feel is important.

Mail your letter to the Secretary of Commerce, Attention: CPILP, Office of Product Standards, U.S. Department of Commerce, Washington, D.C. 20230.

For more information about CPILP, or to comment on the program, please complete and mail the attached form.

PLEASE RETURN THIS CARD

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Check appropriate boxes:

☐ Please send me more information about CPILP.

☐ I plan to write a letter suggesting that _____ be labeled.
(insert name of product)

☐ Comments _____

YOUR NAME _____

ADDRESS _____
(STREET) (CITY AND STATE) (ZIP CODE)

U.S. DEPARTMENT OF COMMERCE

Voluntary CONSUMER PRODUCT Information Labeling Program



POSTAGE AND FEES PAID
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Penalty for Private Use, \$300

Place
Stamp
Here

Consumer Product Information Labeling Program
U.S. DEPARTMENT OF COMMERCE
Office of Product Standards
Washington, D.C. 20230

U.S. Department of Commerce Voluntary Consumer Product Information Labeling Program

The Program—What Is It?

The Voluntary Consumer Product Information Labeling Program (CPILP) was initiated in June 1977 by the U.S. Department of Commerce (DOC) as a 12-month pilot program to address the need for more and better consumer product performance information. The purpose of the CPILP is to enable consumers to make better purchase decisions by providing comparative information on key product performance characteristics at the point of sale. Consumer products covered by the Program include those for which incorrect purchase decisions can result in financial loss, dissatisfaction, or inconvenience. The labels will contain performance characteristics that:

- are of demonstrated importance to consumers;
- cannot be evaluated by mere inspection of the product;
- can be measured objectively; and
- can be reported understandably to consumers.

The Program also offers industry a valuable opportunity to convey the particular advantages of their product to the consuming public.

If the Program proves to be successful after 1 year, it will be continued and expanded to include more consumer products.

Federal Role

The U.S. Department of Commerce, through its Office of Product Standards, will select products to be labeled based on requests from any person. The DOC, working with consumers, manufacturers, producers, distributors, retailers, and other interested groups, will select performance characteristics to be included on the label. The National Bureau of Standards (NBS) under the policy guidance of the Office of Product Standards will develop labeling specifications which include:

- a description of the performance characteristics;
- an identification of the standardized test methods; and
- a prototype label.

Participants' Role

Any manufacturer, assembler, importer, or private brand labeler of a consumer product may volunteer to participate in the program. Participants will generate the information to be contained on the label in accordance with the test methods selected or developed by the NBS and provide the CPILP label with their product according to the labeling specification.

Program Identification

A distinctive Department of Commerce mark is being developed. This mark will appear on the label and will indicate participation in the Voluntary Consumer Product Information Labeling Program. An example of how the CPILP label might look is presented below.

 U.S. Department of Commerce CONSUMER PRODUCT INFORMATION PROGRAM	
<h1>INFOVAC</h1>	
PRODUCT	MODEL
• Characteristic 1	VALUE
• Characteristic 2	VALUE
• Characteristic 3	VALUE
• Characteristic 4	VALUE
• Characteristic 5	VALUE
• Characteristic 6	VALUE
PARTICIPANT	
DATA ON THIS LABEL FOR THIS UNIT CERTIFIED BY	
INSERT NAME OR LOGO OF MANUFACTURER OR OTHER AGENCY	

A specific prototype label will be designed for each product category and will be included in the labeling specification.

FOR MORE INFORMATION ABOUT CPILP,
OR TO COMMENT ON THE PROGRAM,
PLEASE COMPLETE AND MAIL THE
ATTACHED FORM.

PLEASE RETURN THIS CARD

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

check appropriate boxes

- ☐ We support the program in concept.
☐ We may be interested in participating in the program.
☐ Please send us more information.

Name _____ Position _____

Affiliation _____

Address _____

Telephone _____

Appendix E

Summary Report
of Letters Received by the
Voluntary Consumer Product Information
Labeling Program

Report Period: June 24, 1977 - June 30, 1978

Date Prepared: July 1978
Prepared by: J. J. Persensky
J. L. Gagnon

On June 24, 1977, the Voluntary Consumer Product Information Labeling Program was formally initiated by announcement in the Federal Register. The procedures stated that:

"¶16.4(a) Any person may request the Secretary to find that there is a need to label a particular product with information concerning one or more specific performance characteristics of that product.

(b) Such request shall be in writing and will, to the extent practicable, include the following information ..."

In addition to the announcement in the Federal Register other means of informing "persons" of their right to request the labeling procedures existed. These were:

1. News Releases
2. Direct distribution of program brochures
3. Personal contacts
4. Distribution of program brochures through consumer groups.

A file of the letters received by the program has been established. Responses to all letters have been processed by either the Office of Product Standards or the Center for Consumer Product Technology.

Reports detailing the requests received during the periods June - December 1977 and June 1977 - March 1978 were submitted in January and April 1978 respectively. The present report details requests received during the period June 24, 1977 through June 30, 1978.

Data Summary

During the period June 24, 1977 through June 30, 1978, a total of 1375 letters were received. A total of 145 different products or product categories (e.g. automotive accessories, food, appliances, etc.) were suggested for inclusion in the program. There were 496 requests for products or product categories to be labeled. Fifty-five of the letters included requests for more than one product. Of the total letters, 1071 were requests for information only. The other letters were requests to include products in the program or product and information requests.

The product request letters were tabulated in categories by author. Fifteen author categories were established. These categories and the respective number of requests to include products are presented in Table 1.

Table 1. Product Requests by Author

Consumer	394
Consumer group	47
Industry general	3
Manufacturers	5
Retailers	0
Suppliers	0
Financial Services	0
Consultants	1
Educators	20
Local Government	7
State Government	6
Federal Government	5
Foreign	1
Consumer Reporter	6
Other	1

Total 496

The categories, by author, include letters from organizations as listed below.

Consumers - Individuals with no apparent affiliation.

Consumer Groups - Recognized consumer affiliations such as the National Consumer League

General Industry - No specified relation to manufacturer, retailer or supplier, etc.

Manufacturers - Those who can be identified as the producers of products and have submitted letters on company stationary.

Retailers - Those who can be identified as being involved in direct sales to consumers.

Suppliers - Businesses which are identified to supply products to industry or retailers

Note: The data described do not resolve to the total number of letters because the letters may have included more than one product request. The data were tabulated only in terms of product or product and information requests.

Financial Services - Banks, credit unions, insurance

Consultants - As identified by letterhead

Educators - Those requesting information for use in formal class work

Local Government - City or county offices of consumer affairs

State Government - State consumer offices, States Attorney General, state universities, and extension services

Federal Government - Main or local offices of the Federal Government

Foreign - Requests from other countries

Consumer Reporter - Individuals who identify themselves with the print or electronic media

Other - Individuals or groups with no specified affiliation but should not be identified as individual consumers

Two additional categories of letters were established. These were Positive Reaction (no product or information requested) 4 letters received, and Negative Reaction (no product or information requested) 17 letters received.

All data are tabulated by product and category of author in Appendix I.

The 26 products for which the greatest number of requests were received during the data collection period and the associated number of requests are listed in Table 2.

In addition to the tabulations described above the letters were reviewed to determine if the particular respondent indicated support for the program in concept, interest in participating in the program, or information only. The distribution of requests, by author category, is presented in Table 3.

Note: The numbers expressed in this report may not agree or resolve to data presented in the two earlier reports. However, the reporting system and categories have been modified for more detailed tabulation and easier access. All letters have been reviewed and validated. The values expressed herein supercedes all earlier data.

Table 2. 26 Products Receiving the Greatest Number of Requests

Food	49
Electric Appliances (Unspecified)	23
Clothes	21
Vacuum Cleaners	18
Refrigerators/Freezers	14
Automobiles and Accessories	13
Home Insulation	13
Carpet	11
Cosmetics	9
Furniture	9
Lawn Mowers	9
Stereo Equipment	9
Televisions	9
Washing Machines	9
Air Conditioners	8
Hair Dryers	8
Shoes	8
Radios	7
Bed Liners and Blankets	6
Fans	6
Ranges (Gas and Electric)	6
Solar Equipment	6
Batteries	5
Lamps	5
Mattresses	5
Smoke Detectors	5

Table 3. Total Requests by Author Category

	Information Only	Support Program in Concept	May be Interested in Participating
Consumer	438	0	0
Consumer Group	30	1	0
Industry General	245	89	114
Manufacturers	105	20	31
Retailer	26	4	2
Suppliers	3	1	1
Financial Services	8	0	2
Consultants	12	0	1
Educators	63	2	1
Local Government	70	2	1
State Government	36	2	1
Federal Government	5	0	0
Foreign	8	0	0
Consumer Reporters	12	2	0
Other	10	0	0
TOTAL	1,071	123	154

APPENDIX I
Tabulation of Products and
Product Categories by Author Category

	Consumers	Consumer Group	General Industry	Manufacturing	Retailers	Suppliers	Financial Services	Consultants	Educators	Local Government	State Government	Federal Government	Foreign	Consumer Reporters	Other	Total by Product
A																
Adapter	1															1
Air Conditioners	5	1							1	1						8
Antennas, TV	1															1
Automobile/accessories	11	1								1						13
Auto efficiency devices	1															1
B																
Baseball bats & Hammer handles	1															1
Batteries	4								1							5
Battery operated Appliances	2															2
Bed frames	1															1
Bed linens & blankets	6															6
Bicycles	1								1							2
Blenders	1	2														3
Books	1															1
Boots	2															2
C																
Calculators, hand	3															3
Cameras	1															1
Cans	2															2
Can opener	1															1
Carpet	8								1	1						11
Chain saw	1													1		1
Cigarettes	4															4

C (continued)		Consumers	Consumer Group	General Industry	Manufacturing	Retailers	Suppliers	Financial Services	Consultants	Educators	Local Government	State Government	Federal Government	Foreign	Consumer Reporters	Other	Total by Product
Cleaning products	2																2
Clocks	3		1							4		1					4
Clothes	16																21
Clothes dryers	4																4
Coffee makers	2		1														3
Contact lenses	1		1														1
Cookware	1																1
Cooling devices	1																1
Coolers	1		1														1
Cosmetics	8											1					9
Curling Irons	1																1
D																	
Desks	1																1
Detergent	1									1							1
Dishwashers	1																1
Drapes	2																2
Driveway sealer	1																1
Drugs, over-the-counter	3																3
Drugs, prescription	1																1
E																	
Electric appliances (unspecified)	18		1							3		1					23
Energy Saving Devices	1				1										1		3
Eye Glasses (lenses and frames)	3		1														4

		Consumers	Consumer Group	General Industry	Manufacturing	Retailers	Suppliers	Financial Services	Consultants	Educators	Local Government	State Government	Federal Government	Foreign	Consumer Reporters	Other	Total by Product
F	Fans	4	2		1												6
	Faucets & Shower Heads																1
	Film	1															1
	Fireplaces	1															1
	Hard flooring	1	1								1						3
	Foreign Products	3															3
	Food	45	1							2	1						49
	Frying Pans	1															1
	Furnaces	1															1
	Furnace efficiency devices	1												1			2
	Furniture	8	1														9
	G																
	Gasoline	1															1
	Gumball Machines	3															3
	H																
Hair dryers	7	1														8	
Hair rollers	1															1	
Hearing aids		1														2	
Heating devices	3									1						3	
Heat pumps		1														1	
Hedge trimmers	1	1														2	
Humidifiers	1	1														2	

	Consumers	Consumer Group	General Industry	Manufacturing	Retailers	Suppliers	Financial Services	Consultants	Educators	Local Government	State Government	Federal Government	Foreign	Consumer Reporters	Other	Total by Product
I	6	1		1				1			1	1	1		1	13
Insulation, home	2															2
Insurance	3															3
Irons																
K									1							1
Kitchen gadgets																
L																
Lamps	4		1											1		5
Lawn mowers	7	1														9
Light bulbs	3															3
Light fixtures	1															1
Liquor	3															3
Leather goods	2															2
Luggage	1															1
M																
Mattresses	4	1														5
Metal spinning			1													1
Microwave ovens		1														1
Mixers	1															1
Motors	1															1
Movie cameras/projectors	1															1
N																
Nylon stockings	3										1					4

S (continued)		Consumers	Consumer Group	General Industry	Manufacturing	Retailers	Suppliers	Financial Services	Consultants	Educators	Local Government	State Government	Federal Government	Foreign	Consumer Reporters	Other	Total by Product
Seed & nursery catalogs	1																1
Sewing machines	4																4
Shampoos	2																2
Shopping bags	1																1
Shopping carts	1																1
Shower curtains	1																1
Shelving	1				1												1
Shoes	6		1												1		8
Shop equipment & power tools	2									1							3
Silverware	1																1
Skate boards			1									1					1
Sleeping bags													1				1
Smoke detectors	1		1		1								1		1		5
Soap	3																3
Solar equipment	5												1				6
Space heaters			1														1
Sprays	1																1
Stainless steel products	1																1
Stereos & stereo equipment	1																1
Storm doors & windows	9																9
Stoves, wood			1							1							1
T																	
Tape & glue	1																1
Tape measures	1																1
Tape recorders	1																1
Televisions	8		1														9

T (continued)		Consumers	Consumer Group	General Industry	Manufacturing	Retailers	Suppliers	Financial Services	Consultants	Educators	Local Government	State Government	Federal Government	Foreign	Consumer Reporters	Other	Total by Product
Thermal windows		3													1		3
Ties		1	1														1
Tires																	2
Toasters		3	1														4
Toaster ovens		2	1														3
Toilets		1															1
Toilet paper		2															2
Tools		1															1
Towels		1															1
Toys (incl. electric and battery driven)		3								1							4
Typewriters		4															4
U																	
Umbrellas		1															1
V																	
Vacuum Cleaners		15	2												1		18
W																	
Washing machines		8	1														9
Watches		3	1														4
Water conditioners		1	1														2
Water heaters		3															3
Water pumps		1															1
Window shades & blinds		1															1
Wood products		1															1
Total by Author		394	47	3	5	0	0	0	1	20	7	6	5	1	6	1	

U.S. DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

Reprinted from Federal Register, Volume 42, Number 240--Wednesday, December 14, 1977

(Pages 62946-62949)

Office of the Secretary

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Finding of Need To Label Thermal Insulation for Homes

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Notice of Finding of Need.

SUMMARY: Pursuant to the Procedures for a Voluntary Consumer Product Information Labeling Program (15 CFR Part 16), this notice announces a finding of need to label thermal insulation for homes and sets out the bases for such finding. This notice also announces that the Department of Commerce is developing a proposed Performance Information Labeling Specification (Specification) for thermal insulation for homes which will be published in the *FEDERAL REGISTER* for public comment. These actions are being taken in response to requests that such insulation be labeled.

EFFECTIVE DATE: December 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On May 25, 1977, the Department of Commerce announced in the *FEDERAL REGISTER* (42 FR 26647-26651) procedures under which a Voluntary Consumer Product Information Labeling Program (CPILP) administered by the Department would function. The goals of the program are to make available to consumers, at the point-of-sale, information on consumer product performance and to educate consumers in the use of such information. The program also provides manufacturers and other participants in the program with an opportunity to convey to the public the particular advantages of their products. The program was initiated on a limited pilot project basis, with results to be evaluated at the end of 1 year and a determination made whether to continue CPILP and whether to increase or reduce its scope.

Under §16.4(a) of the procedures, any person may request the Secretary

of Commerce to find that there is a need to label a particular consumer product with information concerning performance characteristics of that product. By letter dated June 16, 1977, the Federal Energy Administration, Region I, requested that home insulation materials, along with certain other energy conservation related products, be labeled. In a letter dated July 18, 1977, National Consumers League requested that home insulation, among other products, be labeled. Subsequent letters asking that home insulation be labeled were received from Mr. E. MacDonald, Mr. W. F. Robinson, and Mrs. L. J. Gray. Copies of these requests are available for public inspection and copying in the Department's Central Reference and Records Inspection Facility, room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

In evaluating the mentioned requests, it was felt necessary to obtain supplementary information concerning the nature of the consumer information problems relating to thermal insulation for homes, the suitability of this product for labeling under CPILP, the appropriateness of developing a Performance Information Labeling Specification for this product. Accordingly, pursuant to section 16.4(c) of the procedures, such supplementary information has been obtained and evaluated and has, together with the mentioned requests, resulted in the finding of need to label thermal insulation for homes as shown below.

FINDING OF NEED

The requests of Federal Energy Administration, Region I; the National Consumers League; Mr. E. MacDonald; Mr. W. F. Robinson; and Mrs. L. J. Gray that thermal insulation for homes be labeled under the Voluntary Consumer Product Information Labeling Program (CPILP) have been examined and the probable usefulness to the public of such action has been carefully considered. Based on the results of that examination and on the supplementary information obtained, it is hereby found that a need exists to label thermal insulation for homes under CPILP. The basis for this finding, which are keyed to the informa-

tion items listed in section 16.4(b) of the procedures, are as follows:

1. **Identification of the Product to be Labeled.** Thermal insulation for use in the walls, ceilings, and floors of private dwellings is available to consumers in the form of loose-fill, flexible batts and blankets, and boards. The materials available include mineral and organic materials in cellular and in fiber form. To the extent practicable, the Specification will cover all of those forms of thermal insulation which are normally purchased by consumers for their own use in retrofitting existing housing or in insulating housing under construction.

For the types of thermal insulation under consideration, the performance characteristics of primary interest to consumers include the thermal insulating properties of the material, the amount or quantity of material in a package, the area that can be insulated with the material in a package, and the fire properties of the material. The Specification will cover these performance characteristics and may cover other characteristics which, upon further investigation, prove to be of value to consumers and amenable to listing on labels.

2. **Extent of Product Use.** During the years 1974-76, an estimated 8 million homes were retrofitted with thermal insulation. About 70 percent of this work was done by homeowners. In the first half of 1977, an estimated 2.8 million homes were retrofitted, with about 60 percent of the work being done by homeowners. On the average each retrofit requires about 170 pounds of thermal insulating material. It is possible that more than 500 million pounds of insulation will be purchased by consumers for their own use in 1977.

Residential use of thermal insulation is expected to increase significantly in the future due to increasing fuel costs and interest in energy conservation. Federal and State governments are promoting increased use of thermal insulation through proposals such as aid to low-income families, tax rebate plans, building code requirements, loan guarantee programs, and other energy conservation legislation. It can reasonably be expected that a significant portion of the resulting

work will be performed by homeowners.

3. *Difficulties Experienced by Consumers.* Consumers purchasing thermal insulation for installation in their homes are faced with the problem of obtaining some desired amount of thermal resistance, or insulating ability, over some given area of floor, wall, or ceiling. The method of stating thermal resistance in terms of an "R value" is fairly well standardized in the insulation industry, though many consumers are not yet familiar with the significance of the term "R value." However, there are at present many ways of stating the effective coverage that can be obtained from a given package of insulation. This is particularly true of loose-fill insulation, where the coverage or quantity statements on packages may be in terms of volume as packed, volume when installed, area covered when installed with a given thickness of insulating material, area covered at a given "R value", or weight. With so many variations to consider, it is difficult for consumers to compare the cost and the insulating ability of various types of insulation. A standard, easy-to-understand method of presenting information on insulating ability and coverage information to consumers is needed so that they may make cost effective comparisons of the various insulating materials available for purchase in the open market.

Consumers also experience difficulty in obtaining comparable and realistic information on the fire properties of various thermal insulation materials. The fire test method widely in use at this time provides fire hazard ratings in terms of flame spread classification (FSC) numbers. Such ratings are sometimes used in building codes and purchase specifications, but it has been determined that the ratings do not accurately indicate the relative fire hazard potential of all currently available thermal insulation materials as they are used in actual construction. Therefore, consumers cannot be certain that they are getting insulating materials which have acceptable fire hazard limitations even if the materials comply with local building codes. The development of new and more realistic test methods for the fire properties of thermal insulation is nearing completion. When available, these new test methods will be utilized in this program. FSC numbers may also be used to assist consumers to comply with building codes and specifications. The results of both the old and the new tests can be of maximum value to consumers only if they are presented in a standardized and easily understandable form.

4. *Potential for Consumer Loss.* It is important for consumers to know how much insulation coverage can be obtained from the various packages of insulating material available to them. When too much insulation is installed, initial costs will be higher than necessary and available supplies, which are

in an increasing level of demand due to energy shortages, will be depleted unnecessarily. When too little is installed, energy losses and heating and air-conditioning costs will be higher than necessary and will continue indefinitely at the higher level. In either case, there is no practicable way for consumers to estimate the true extent of their financial burden.

Similarly, consumers might install thermal insulation which could increase the potential fire risk, particularly if installed incorrectly. Without proper education and information as to such matters, it would be difficult for many consumers to understand how fires may occur due to the addition of insulation, to recognize the interaction between the thermal insulation and some other component of the house, or to realize that major damage to a home and possible injury or loss of life could result from such a fire.

5. *Extent of Consumer Complaints.* Though the proper selection of thermal insulation for homes presents significant problems to consumers, there is at present no one channel for consumer complaints in this area. Therefore, the full extent of the volume and nature of complaints is not known. However, consumer complaints have triggered responses in several Government and private sector organizations, and these responses provide an indication of the magnitude of the problems being encountered. Some of the responses are:

(a) The Consumer Subcommittee of the Senate Committee on Commerce, Science and Transportation held hearings on energy conservation on September 16 and 17, 1977, at which 6 of the 11 witnesses stated that consumers need more complete information on home insulation. At this hearing, the inadequacy of some present insulation labeling was demonstrated.

(b) At the 62d National Conference on Weights and Measures, in July 1977, delegates adopted as a guideline a proposal concerning the labeling of thermal insulation. This guideline, which is available to State and local governments desiring to add requirements concerning insulation to their regulations or codes, was developed in response to a consumer complaint originally registered with the Bureau of Consumer Protection and Environmental Health of the State of Wisconsin.

(c) The Consumer Product Safety Commission held a public hearing on August 22, 1977, on the safety of thermal insulation materials. This hearing was held in response to a petition from the Metropolitan Denver District Attorney's Consumer Office.

(d) The Federal Trade Commission has published in the November 18, 1977 *FEDERAL REGISTER* (42 FR 59678) a proposed Trade Regulation Rule for thermal insulation materials that would require disclosure—on a label or in advertising—of the R value, the area that packaged insulation will cover to attain the stated R value, and the thickness to which the R value and area correspond for loose-fill insulation.

(e) The National Association of Home Builders has recently initiated, and the National Cellulose Insulation Manufacturers Association is planning to initiate, product certification programs for specific forms of thermal insulation.

(f) The Council of Better Business Bureaus, after a comprehensive study, issued "Standards for Home Insulation Materials—advertising and selling," dated August 1977.

The magnitude and variety of the above efforts point to the need for more information on the properties of thermal insulation for homes presented in a uniform, consumer-oriented way.

6. *Current Test Methods.* Existing test methods and recommended practices for measuring thermal insulation characteristics relevant to the labeling program include:

ASTM C 177—Test for Thermal Conductivity of Materials by Means of the Guarded Hot Plate.

ASTM C 518—Test for Thermal Conductivity of Materials by Means of the Hot Flow Meter.

ASTM C 236—Test for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box.

ASTM C 653—Recommended Practice for Determination of Thermal Resistance of Low-Density Mineral-Fiber Blanket-Type Building Insulation.

ASTM C 687—Recommended Practice for Determination of Thermal Resistance of Low-Density Fibrous Loose Fill-Type Building Insulation.

ASTM C 167—Tests for Thickness and Density of Blanket- or Batt-Type Thermal Insulating Materials.

ASTM C 272—Test for Water Absorption of Core Materials for Structural Sandwich Constructions.

ASTM C 519—Test for Density of Fibrous Loose Fill Building Insulations.

ASTM C 520—Test for Density of Granular Loose-Fill Insulations.

ASTM D 1622—Test for Apparent Density of Rigid Cellular Plastics.

ASTM E 84—Test for Surface Burning Characteristics of Building Materials.

ASTM E 136—Tests for Noncombustibility of Elementary Materials.

Some product specifications may include additional test methods that may be used in this program. These include the following:

ASTM C 516—Specification for Vermiculite Loose Fill Insulation.

ASTM C 549—Specification for Perlite Loose Fill Insulation.

ASTM C 553—Specification for Mineral Fiber Blanket and Pelt Insulation (Industrial Type).

ASTM C 591—Specification for Rigid Preformed Cellular Urethane Thermal Insulation.

ASTM C 665—Specification for Mineral Fiber Blanket Thermal Insulation for Wood Frame and Light Construction Buildings.

ASTM C 728—Specification for Perlite Thermal Insulation Board.

ASTM C 739—Specification for Cellulosic Fiber (Wood-Base) Loose-Fill Thermal Insulation.

ASTM C 764—Specification for Mineral Fiber Loose Fill Insulation.

Other documents pertinent to the program include:

ASTM C 168—Definitions of Terms Relating to Thermal Insulating Materials.

ASTM C 390—Sampling Preformed Thermal Insulation.

ASTM E 122—Recommended Practice for Choice of Sample Size to Estimate the Average Quality of a Lot or Process.

7. *Suitability of Current Test Methods.* The test methods and recommended practices listed above are in

general use in measuring those physical properties of thermal insulation materials necessary for the determination of insulation effectiveness or compliance with various specifications and building code requirements. To the extent that the listed test methods and recommended practices serve such purpose, they are considered valid. Furthermore, the product specifications, test methods, and recommended practices listed above are among those cited in the Department of Commerce notice of final finding of need to accredit testing laboratories that test thermal insulation materials. That notice was published in the *FEDERAL REGISTER* on October 12, 1977, under the Department's National Voluntary Laboratory Accreditation Program (see 42 FR 55020).

The FSC numbers provided by ASTM E-84 are used in some purchase specifications, and in some building codes for certain types of buildings, as a comparative measure of the fire performance of various thermal insulation materials. However, it has been determined that the FSC numbers do not accurately indicate the relative fire hazard potential of all currently available thermal insulation materials as they are used in actual construction. New and more realistic test methods are being developed, and will probably be used for developing fire safety evaluation ratings on the proposed CPILP labels. However, the FSC numbers may also be included on the CPILP labels in order to assist consumers in complying with any applicable requirements in local building codes.

8. Estimated Cost of Labeling. The cost to manufacturers, private brand labelers, or importers of participation in the program will consist primarily of the costs of testing and of printing and affixing labels.

With regard to test costs, it is expected that, because of the requirements of various building codes, regulations, specifications, and industry programs, most thermal insulation for homes in the near future will have to be tested for determination of thermal insulating properties, fire properties, and perhaps other characteristics. It is

anticipated that the test methods which will be used to meet these various requirements will also be used in CPILP.

Therefore, the testing will probably be done regardless of whether such insulation is labeled under CPILP. Thus, it is expected that manufacturers in most cases will not have to test specifically for CPILP, and the result of the program under these circumstances will be to put the test information already available to manufacturers (or which they may be required to obtain for other reasons) into a uniform format usable by consumers.

With regard to labeling costs of thermal insulation for homes, it is expected that the label developed under CPILP would merely be printed on the package along with or in place of other printed information. A separate printing operation and the affixing of a separate label to the package normally would not be necessary, so labeling costs are expected to be relatively insignificant.

Other Government agencies, such as the Federal Trade Commission, have proposed or are considering various information disclosure requirements for insulation. CPILP labels will provide information—in a uniform, consumer-oriented format—about a wider range of attributes than is being considered by any one agency. The Department of Commerce intends to make CPILP labels compatible with any such requirements promulgated by regulatory agencies so that their disclosure requirements can be satisfied by participation in CPILP. Therefore, CPILP labels could actually decrease the complexity of the labeling job for insulation manufacturers, and also simplify product comparison by consumers at the point of sale.

Section 16.6 of the procedures, which originally called for the setting of fees and charges for participation in the program, was amended by notice in the *FEDERAL REGISTER* on November 4, 1977 (42 FR 57686), effective December 5, 1977, to permit the Secretary to suspend, at any time and for any length of time, the setting of fees and charges for participation. It is expected that the Secretary will make a

determination that no fees or charges will be established for participation in the program with respect to thermal insulation for homes during the pilot phase of this project, in order to encourage manufacturers to participate in the program. Accordingly, manufacturers will not have to bear that expense.

In connection with the above finding of need, notice is also hereby given that a Performance Information Labeling Specification (Specifications) for thermal insulation for homes is being developed. When the proposed specification has been developed, its complete text will be published in the *FEDERAL REGISTER* for public comment pursuant to section 16.5(a) of the procedures.

Section 16.2(d) of the CPILP procedures contains the statement that "The program seeks to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this program." The procedures are being amended to permit CPILP labels to include information about performance characteristics for which another Federal agency may require labeled information (such as in the Federal Trade Commission's proposed trade regulation rule mentioned in section 5.d above for disclosure of "R values" and coverage of thermal insulation) provided the other Federal agency agrees that the inclusion of such information in CPILP labels will be acceptable to that agency.

NOTE.—The Department of Commerce has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and Office of Management and Budget Circular No. A-107.

Issued: December 9, 1977.

JORDAN J. BARUCH,
Assistant Secretary for,
Science and Technology.

[FR Doc. 77-35614 Filed 12-9-77; 11:35 am]

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM
PROPOSED LABELING OF THERMAL INSULATION FOR HOMES

Determination of Need for Inflationary Impact Statement

Following is an examination of whether a project to label thermal insulation for homes under the Department's Voluntary Consumer Product Information Labeling Program (CPILP) constitutes a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and Office of Management and Budget Circular No. A-107. The criteria examined are as listed in Department of Commerce Administrative Order 218-6 dated September 12, 1975.

1. Will the proposal be expected, during any one-year period of its implementation, to result in a price change of one percent or more for the most specific affected item or category for which data are regularly published in connection with the Wholesale Price Index, the Consumer Price Index, or the GNP Implicit Price Deflator, or a 1/10 of one percent change in either index or the deflator?

Comment: Although the residential insulation materials industry is relatively small with less than \$1 billion in gross output, it is also one of the fastest growing industries at this time. The impetus for growth stems from the rapidly increasing demand influenced by rising energy cost in general and the experience of the severe winter of 1976-77 in particular. When existing production capacity cannot meet demand, a strong upward pressure on price ensues. The pressure on prices and supply is creating a rapid expansion of capacities. According to an August 1977 industry survey prepared by the Office of Business Research and Analysis (DoC), the expected capacity expansions from 1977 to 1980 are 27% for fiberglass insulation, 31% for rock wool insulation, 192% for cellulose insulation, and 880% for plastic foam insulation. The inflationary pressure on prices therefore may ease considerably after three to four years; however, such pressure would remain quite strong for the next year or two. Any short-term price increase for this industry would be accounted for mostly by this supply-demand imbalance which would far outweigh

any small price change that may result from the initiation of CPILP.

Specifically, it is expected that we will observe neither a 1% increase in the price of residential insulation materials nor a 0.1% increase in the Wholesale Price Index, Consumer Price Index, or the GNP Implicit Deflator as a direct result of initiating the program to label thermal insulation for homes under CPILP. The shipment values for the three biggest insulation products for 1977 are estimated as follows.*

Fiberglass	\$449,920,000
Rock Wool	137,198,000
Cellulose	<u>192,930,000</u>

Total \$780,048,000

If a constant volume is assumed, a 1% rise in the insulation materials component of the Wholesale Price Index would be equivalent to a \$7,800,480 increase in shipment value. The total expenditure for CPILP borne by the Federal Government for FY 1978 is \$0.5 million, and the

*The production data were derived from the Survey Report: U.S. Residential Insulation Industry, Office of Business Research and Analysis, Department of Commerce, August 1977. Average price data were supplied by industry sources.

expenditures by industry for testing and labeling associated with CPILP are not expected to be as high as \$7.8 million. The relatively minor costs expected to be incurred by industry under this program reflects the fact that the industry is already conducting a considerable amount of testing either by themselves or indirectly through independent testing laboratories. Among the reasons for performing these tests are: compliance with the thermal resistance certification of the National Association of Home Builders; compliance with the flammability and toxicity requirements of Underwriters Laboratories; compliance with Federal Government procurement specifications; and consumer demand for thermal resistance information (the R values), fire ratings, and other information.

An additional consideration is that this industry accounts for only 0.103% of the Wholesale Price Index (WPI). In order to affect WPI by 0.1% or more, the prices of residential insulation materials would have to double in a year.

It may be concluded, therefore, that changes in the price of residential insulation materials will not satisfy the Commerce Department criterion stated above.

2. Will the proposal be expected to:

a. result in increased combined budget outlays by consumers, businesses, and Federal, state, and local governments exceeding \$100 million in any one-year period, or \$150 million in any two-year period as a consequence of compliance costs associated with the program, or

b. result in increased budget outlays by either consumer, businesses, or Federal, state, and local governments exceeding \$50 million in any one-year period, or \$75 million in any two-year period as a consequence of compliance costs associated with the program?

Comment: a. It was shown in the comment for criteria 1 that the Federal Government's outlay will be \$0.5 million for fiscal year 1978. Even if we were to

assume a 1% increase in product price due to CPILP which reflected increased cost to producers, this amount would be only \$7.8 million. Assuming that this increase will ultimately be borne by the consumers, the combined outlay of \$8.3 million by the Federal Government and consumers falls far short of \$100 million stipulated in the Department of Commerce criterion.

Since it is reasonable to assume that the 1% increase in product price due to CPILP is a one-shot event, the combined outlay by the Federal Government and consumers for the second year falls to \$0.5 million. The overall expenditure for the first two-year period will be \$8.8 million, \$8.3 million for the first year and \$0.5 million for the second.

b. The administration of CPILP does not involve State and local governments directly. Also, we can assume that the industry can successfully pass on any added cost to consumers because of the demand outpacing supply for the present and the near future. Hence, the biggest increase in

budget outlay would be \$7.8 million borne by the consumers in any one-year period. The same amount would hold for any two-year period since the CPILP induced price increase can be assumed to be a one-shot event. The amount of \$7.8 million falls far short of \$50 million for any one-year or \$75 million for two-year periods.

3. Will the proposal be expected to reduce labor productivity by one percent or more in the item which is the unit of focus in the proposal (i.e., workers per ship, safety per construction site, etc.)? If the proposed action, due to such factors as constraints on output or investment, barriers to substitution of materials supplies, or limitation on use of technologies or skills, would restrict increases in labor productivity which otherwise would have occurred, such restriction shall be considered as a reduction.

Comment: It is expected that labor productivity for the residential insulation materials industry will be affected only marginally because of CPILP and certainly by less than one percent. As stated above, many firms are already testing their

products by themselves or indirectly through independent laboratories, so that the additional testing stipulations would affect the existing production process but little. The cost of preparing and printing CPILP labels would also be marginal.

4. Will the proposal be expected to change employment by one percent or more in the activity which is the unit of focus in the proposal?

Comment: The comment for criterion 3 applies equally well here. Employment will not be affected by as much as 1%.

5. For the explicitly defined relevant market affected, will the proposal be expected to result in a one percent or more decline in supply of materials, products, or services, or a one percent or more increase in consumption of these materials, products, or services after all incipient compliance adjustments have occurred? These materials, products, or services include, but are not limited to, energy and energy products, components of the National Stockpile, materials or services identified as critical by

either the National Security Council, Economic Policy Board, or Council on International Economic Policy, and other materials, services, or products as the Secretary may designate. In the case of energy, if the impact on supply or consumption exceeds 1/100 of one percent of total U.S. consumption, an impact analysis will be required.

Comment: The proposed product labeling program by itself is not expected to affect the aggregate supply or demand appreciably to result in a 1% change. As stated in the comment under criterion 1 above, the factors that are now affecting the supply and demand of this industry are quite strong. Besides the strong desire and perhaps the necessity of reducing expenditure for energy by homeowners, the thermal resistance value of "R" as well as other performance information is already being provided voluntarily by many manufacturers. Also, the voluntary nature of CPILP would mean that producers who may feel they could be affected adversely by CPILP would not join the program. The more likely effect of CPILP is a shift in demand among the existing products. Consumers may prefer the standardized and more informative

format of DoC labels to hitherto heterogeneous formats for providing performance information.

6. For the same explicitly defined relevant market, will the proposal be expected to result in a clearly identifiable decline in competition, including such factors as limitation of market entry, restraint of market information, or other impediments to the functioning of the market system, after all incipient compliance adjustments have occurred?

Comment: The effect of initiating the program should be to increase competition among the sellers of residential insulation materials. This will result from the increase in consumer awareness as the important characteristics of such materials are presented in a uniform format at the point of sale. Product comparison for consumers should be easier and more meaningful among different types of insulating materials, such as between fiberglass and cellulose or between rock wool and plastic forms. In effect, the program will help to transform technological substitutability among different types of insulating materials to economic substitutability in the market.

Increased competition through the provision of more uniform, clear means of providing product information should also help to dampen any price increase that might otherwise occur.

Conclusion and Recommendation

It is concluded that the project to label thermal insulation for homes under CPILP does not constitute a major proposal requiring preparation of an Economic Impact Statement.

Appendix G

Meetings related to CPILP

Date	Meeting With	Subject
March 23, 1977	ASTM Committee F-11 on Vacuum Cleaners	Introduction of program and possible labeling of Vacuum Cleaners
July 7, 1977	Manufacturers of Plumbing Fittings and their Trade Association	Introduction of program and possible labeling of Plumbing Fittings
July 13, 1977	Representative of Man-Made Fiber Products Association	Introduction to program and possible labeling of Fabrics, Carpets, etc.
Sept. 7, 1977	Manufacturers of Electric Irons	Introduction to program and possible labeling of Electric Irons
Sept. 26, 1977	Government agencies concerned with Thermal Insulation for Homes	Introduction to program and relation of CPILP to other Government programs for Thermal Insulation for homes
Sept. 28, 1977	Montgomery County, Maryland Office of Consumer Affairs	Support for labeling of Thermal Insulation and Smoke Detectors for homes
Sept. 29, 1977	Manufacturers of Thermal Insulation for Homes and their Trade Associations	Introduction to program and possible labeling of Thermal Insulation for homes
Sept. 30, 1977	Arlington County, Virginia Office of Consumer Affairs	Support for labeling of Thermal Insulation and Smoke Detectors for homes

Date	Meeting With	Subject
Oct. 3, 1977	Plumbing Manufacturers Institute	Possible use of CPILP to coordinate labeling requirements for plumbing fittings
Oct. 10, 1977	Summit Hall (Montgomery County, Md.) PTA	Priorities for products to be labeled and for characteristics of Thermal Insulation and Smoke Detectors
Oct. 12, 1977	Delaware Valley Consumer Sounding Board	Priorities for products to be labeled and for characteristics of Thermal Insulation and Smoke Detectors
Oct. 25, 1977	Twin Cities Consumer Sounding Board	Priorities for products to be labeled and for characteristics of Thermal Insulation and Smoke Detectors
Oct. 27, 1977	Los Angeles Consumer Sounding Board	Priorities for products to be labeled and for characteristics of Thermal Insulation and Smoke Detectors
Oct. 28, 1977	ASTM Committee F-11 on Vacuum Cleaners	Introduction to program and possible relation of CPILP to ASTM work on Vacuum Cleaners
Oct. 31, 1977	Boston Consumer Sounding Board	Priorities for products to be labeled and for characteristics of Thermal Insulation and Smoke Detectors

Date	Meeting With	Subject
Nov. 7, 1977	Government agencies concerned with Smoke Detectors for homes	Introduction to program and relation of CPILP to other Government programs for Smoke Detectors
Nov. 11, 1977	Manufacturers of Smoke Detectors for Homes and their Trade Association	Introduction to program and possible labeling of Smoke Detectors
Nov. 28, 1977	Good Housekeeping Institute	Test methods for Vacuum Cleaners
Dec. 1, 1977	Montgomery County, Maryland Consumer Sounding Board	Possible label designs for Thermal Insulation and Smoke Detectors
Dec. 13, 1977	Electro Signal Lab., Inc.	Testing and possible labeling of Smoke Detectors
Jan. 5-7, 1978	Marketing Science Institute	Selection of characteristics and label design for Thermal Insulation, Smoke Detectors and Vacuum Cleaners
Jan. 9, 1978	Interagency Agency Insulation Committee	Government programs for Thermal Insulation for homes
Jan. 16, 1978	Everguard Fire Alarms Co., Inc.	Test methods for Smoke Detectors

Date	Meeting With	Subject
Jan. 23, 1978	National Consumer League	Review of suggested labeling requirements for Thermal Insulation and Smoke Detectors
Jan. 26, 1978	National Conference of Weights and Measures	Status of labeling of Thermal Insulation
Jan. 27, 1978	Society of International Cellulose Insulation Manufacturers	Status of labeling of Thermal Insulation
Mar. 21-22, 1978	ASTM Committee F-11 on Vacuum Cleaners	Test methods and labeling of Vacuum Cleaners
March 23, 1978	Underwriters Laboratories	Testing and rating of Smoke Detectors
April 26, 1978	Interagency Press Briefing on Insulation	Government programs for Thermal Insulation for Homes
May 8, 1978	Manufacturers of Dry Cells and Batteries	Introduction to program and possible labeling of Dry Cells
May 22, 1978	Arlington County, Virginia Consumer Sounding Board	Selection of characteristics of Paint and Batteries for labeling
May 24, 1978	Fairfax County, Virginia Consumer Sounding Board	Selection of characteristics of paint and Batteries for labeling

Date	Meeting With	Subject
June 1, 1978	National Electrical Manufacturers Association	Testing and rating of Smoke Detectors
June 5, 1978	Chicago Consumer Sounding Board	Selection of characteristics and label design for paint
June 14-16, 1978	ASTM Committee F-11 on Vacuum Cleaners	Test methods and labeling of Vacuum Cleaners
June 27-29, 1978	Cellulose I, Society of International Cellulose Insulation Manufacturers and Cellulose Insulation Manufacturers of America	Government programs related to Cellulose Insulation for use in homes
Aug. 4, 1978	National Paint and Coatings Association	Introduction to program and possible labeling of Paint

Appendix H

STUDY OF INFORMATIVE LABELING FOR THE VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM:

Insulation, Smoke Detectors, Vacuum Cleaners

National Bureau of Standards

Contract No. 7-35832

Report prepared by

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January 20, 1978

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I. INTRODUCTION

On June 24, 1977, the Voluntary Consumer Product Information Labeling Program (CPILP) became effective as a one-year pilot program (Federal Register, 42,101, May 25, 1977, pp. 26647-26651). Section 16.5, Development of performance information labeling specifications, paragraph b(3), states that a prototype label and directions for displaying the label will be developed for inclusion in the Specifications. The milestones for this program indicated that a completed label design would be submitted in no more than ten (10) weeks after a product was selected. It was determined that in order to meet these severe time constraints a jury of labeling experts might be a viable tool in the label design process. This report describes the procedures used by and the work product of the jury of experts.

The objective of the jury of experts was to develop prototype labels and directions for displaying label information for three product categories: insulation, smoke detectors, and vacuum cleaners.

In the following paragraphs, the qualifications of the selected jurors are discussed and the method of gathering the jury comments and the schedule which was followed are described.

The Jury

A jury of experts was selected. Each possesses nationally and internationally recognized expertise and experience in at least one and usually in several of the following specified areas of importance to information provision: consumer in-

formation processing, label design research, consumer satisfaction, informative labeling, advertising or marketing. Jury members were selected to represent areas of knowledge most likely to produce immediately usable information on how to develop effective informative labels for consumer products. The members of the expert jury were:

- Alden Clayton, Managing Director, Marketing Science Institute
- H. Keith Hunt, Principal Investigator, Associate Professor, Brigham Young University
- John Miller, Associate Investigator, Associate Professor, University of Colorado, Colorado Springs
- James Bettman, Associate Professor, University of California, Los Angeles
- James Casey, Marketing Research, Sears, Roebuck, and Company
- Jerry Olson, Associate Professor, Pennsylvania State University
- Michael Ray, Professor, Stanford University
- Jay Russo, Associate Professor, University of Chicago
- Hans Thorelli, Professor, Indiana University
- Scott Ward, Associate Professor, Harvard University
- William Wilkie, Professor, University of Florida

Professor Hunt is an acknowledged leader in the area of consumer satisfaction. He has published widely in the area and has produced a workshop and proceedings on consumer satisfaction which is the standard work in the field. He has also published extensively in informative labeling, especially in the area of corrective advertising, where he is an acknowledged expert.

Professor Miller has done extensive research in grade labeling and consumer information. He has also written about the problems with current

labeling and consumer information, especially those instances of government-required disclosures which may mislead consumers, frustrating their ability to make reasoned purchasing decisions.

Professor Bettman is a leading researcher in the areas of consumer information processing, choice decision making, and cognitive processes. His recent work has focused on consumers' conceptions and use of product information. His many publications have given direction to the development of the field of consumer information processing.

Mr. Casey is a senior research executive with the marketing research group of Sears, Roebuck and Company and has extensive experience in consumer research on consumer perception of product information and on salience of product attributes in consumer decision making. Sears has direct research experience with each of the three product categories of importance to this study.

Jerry Olson is widely known as a consumer psychologist and has published broadly in the areas of how consumers acquire and use product information. His recent work focuses on consumers' cognitive processes including how consumers encode, store, and retrieve product information.

Michael Ray is a nationally recognized social psychologist. His research interests focus on consumer information processing and advertising effectiveness and consumer information systems. He has published widely and has frequently been an expert witness on consumer behavior matters.

Jay Russo is an experimental psychologist with particular expertise in human information processing issues. His research work has been concerned with such information processing topics as memory storing, retrieval processes and eye movement.

Hans Thorelli is internationally known for his work in consumer information and labeling and is the leading expert on labeling research outside the United States, especially in England and the Scandinavian and European countries which are the acknowledged leaders in consumer product labeling. His book, CONSUMER INFORMATION HANDBOOK: EUROPE AND NORTH AMERICA, is the major international source on consumer product labeling.

Scott Ward is an acknowledged expert in consumer communication, especially that directed toward children, and on developmental aspects of consumer information processing. He has published widely and is in frequent demand as an expert witness.

William Wilkie was a major contributor to the questionnaire phase of the project but became ill and was unable to participate in the jury meeting. He is a leading expert in consumer information processing and has completed a special study and monograph for National Science Foundation on that topic.

Alden Clayton, managing director of Marketing Science Institute, was an active participant in the jury meeting and made substantial contributions based on his wide experience in consumer goods marketing and marketing research.

Jury members were selected primarily for their professional expertise in consumer information processing, labeling research, and marketing. In addition various members of the group had substantial personal experience with the three product categories.

The Three Product Categories

On November 8th, 1977, Marketing Science Institute (MSI) was informed by the National Bureau of Standards (NBS) that the three product categories for which prototype labels would be developed were insulation, smoke detectors, and vacuum cleaners, though no final decision has been made to actually label any of these products as part of the Labelling Program. NBS provided material from its files regarding these products.

Procedure

The jury met in Cambridge, Massachusetts, January 5th through 7th. The jury meeting was scheduled for early January in order to avoid academic conflicts. Prior to that meeting, each of the jury members was contacted by telephone for their comments regarding relevant issues for discussion. Their individual comments were summarized and distributed prior to the Cambridge meeting. Therefore jury members arrived at the meeting having given prior thought to the major issues involved in developing prototype labels. At Cambridge those general issues were discussed prior to moving into the discussion of the three prototype labels.

Organization of the Report

The second section of this report explains the general procedures used at the jury meeting. The next three sections present and discuss the labels for the three products. The final section presents summary comments and recommendations.

II. GENERAL PROCEDURE

To perform the specified tasks within the limitations of the timetable, the expert jury decided on using a two-step procedure. First, the jury identified a number of major issues relating to consumer information processing as specifically related to informative labeling. Second, the group proceeded with the label development process.

Major Issues Related to Label Design

Before designing the specific labels, members of the expert jury identified several major issues related to the design of effective informative labels for consumer products. These broad issues were grouped into five categories: (1) identification of relevant or essential product attributes, (2) label format or mode of information presentation, (3) the typical decision context, (4) label adaptability in response to changing circumstances, and (5) consumer segment issues.

1. Issues Related to Identification of Product Attributes or Characteristics.

a. Attribute List Generation -- Aggregation vs. Disaggregation? A list of product attributes or characteristics could be developed or generated in at least two ways. One method would begin by identifying major dimensions or categories of concern to the consumer and proceed to disaggregate to successively more detailed subelements or characteristics. The other method would simply list the detailed attributes or characteristics and eventually aggregate that list into appropriate broad categories, developing as many levels as necessary to meaningfully organize the information listed. In fact, it may be necessary to use both methods -- or a hybrid of the two -- such as when a product characteristic or attribute which was originally listed as a single-dimensioned attribute turns out upon inspection to be comprised of more than one dimension.

b. Minimum Thresholds for Characteristics. Are there certain characteristics where a minimum level must or ought to be specified before that characteristic would be listed or that term or specification used? For example, should there be some determination that a cleaning apparatus must be capable of generating a certain degree of suction before it could be classified or labeled as a vacuum cleaner? Must or ought a sensing device be capable of detecting a certain concentration of combustion particles within a certain amount of time before it can be labeled a smoke detector? Even in a program of voluntary labeling such decision rules may be necessary to preclude the transmission of misinformation or the encouragement of false or incorrect inferences by consumers.

c. Attribute Importance or Salience. The jury agreed that an informative label should include only attributes important or salient to consumers. It is unresolved whether informative labels should reflect the relative importance of attributes. While it may not be necessary to explicitly weight the various characteristics for importance, such importance might be reflected in the ordering of label elements as well as through the graphics, type size, and format of the label.

d. Tradeoff Between Simplicity and Completeness. It is clear that consumers have varying needs or preferences for different amounts and types of information about products. Beyond that, however, as one attempts to provide more complete (and therefore more detailed) information on an informative label, the usability and readability of the label begins to decrease. These two objectives, completeness and simplicity, are opposed to each other and label designers must make tradeoffs between the two.

e. Buying Guides. Since more informative labels have space constraints, some information useful to some consumers must be omitted. Also, some information can be shown in simple summary form on the label but requires explanation for consumers having special concerns. And some warnings and hazards occur only for a few models and under limited circumstances which need to be explained but not on the general label used for all models. For some products it is highly desirable that a Buying Guide booklet be available at the point of sale which provides detailed information on the general product category and specific information on such hazards and warnings.

f. Families of Characteristics. The developer of the label must consider which characteristics or variables should be included on the label and how these characteristics should be grouped to reflect consumer expectations and to facilitate information processing. The issue is analogous to a mental "factor analysis" procedure, determining the basic underlying dimensions which are important and meaningful to the consumer in making choice decisions.

2. Issues Related to the label Format and Modes of Information Presentation.

Once the attributes are selected the format of information presentation must be decided.

a. Attribute Information and Explanatory Material. When a characteristic or performance measure is presented on an informative label it may be necessary or desirable to explain that measure so it is meaningful to the consumer. For example, is it meaningful to express a vacuum cleaner's carpet wear performance on a scale from zero to ten (from worst to best possible) or should the label include the parenthetical explanation "Carpet Wear (grams of carpet removed)"? Or is "grams of carpet removed" meaningful to the consumer?

b. **Meaningfulness of Terms and Measures.** When an attribute is listed or a measurement given on an informative label, the term, scale, or index format used should be expressed in a form meaningful to consumers.

c. **Facilitating Comparisons Between Purchase Alternatives.** Performance measures, characteristics, scales, and indices should be designed to facilitate comparisons with other purchase alternatives. The scales should be formatted so the consumer can compare this product with others available merely by looking at one label without having to search out all relevant labels. Thus, a single informative label can provide the consumer with important and essential information prior to the purchase decision.

d. **Interproduct Standardization of Label Format.** The overall design and format of the labels used in the voluntary labeling program should be sufficiently standardized so consumers can transfer label use experience across product categories. The education and expectation thus generated should help consumers use and interpret product information more effectively.

e. **Hierarchical Formatting and Summary Indices.** In order to facilitate "chunking" or grouping information into broader indices and also to provide summary measures for those who desire less detailed information, it may be desirable to use a hierarchical format to present information. In such a mode of presentation, performance ratings of subelements that comprise a broader attribute may be presented along with the broader index. If Buying Guides are also developed, more detailed information about measurement procedures may be described where such detailed information could not possibly be included on the label itself.

3. Issues Related to the Consumer Decision Context.

a. **Comparability.** Again it should be noted that format, measures, terms,

scales, and symbols used on informative labels should be designed to facilitate comparisons between brands and products.

b. Reliability and Validity of Test Procedures. Although it may not be feasible to describe the reliability or validity of given test procedures on an informative label, it may be desirable to include such information in the accompanying Buying Guide. The intent of such information would be to show that the label information is accurate.

4. Issues Related to the Dynamic Label Use Situation -- The Living Label.

Provision should be made for making adjustments to the informative label as changes occur in test procedures or in the marketplace. In this sense, the label itself should be a dynamic information source. Where possible, attributes should be measured or scaled on ceilingless scales to allow for competitive developments and improvements in products. As technology and competition interact, differentiating dimensions of product performance or characteristics will evolve. The labeling system should provide for addition of these new attributes to the label.

5. Issues Relating to Consumer Segment Differences. There is ample empirical evidence that consumers differ in their preference for and use of types and amounts of information. A voluntary labeling scheme should recognize that there exists in the marketplace information avoiders as well as non-users of information, in addition to the information seekers.

These are the major issues involved in designing informative labels.

Description of Procedure Followed by Expert Jury in Developing the Labels

Having denoted the major issues surrounding the development of informative product labels, the expert jury began the process of label development. This

process involved several successive phases. First, potential attributes and characteristics to be included on the label were "brainstormed." Next, the attribute list was categorized and collapsed into several major groupings and specific elements were added or removed. The third phase involved the development of the form and content of the prototype label. Finally, the "draft" label was revised into a "final" form. In the case of the home insulation and the smoke detector labels (not with vacuum cleaners) there were two additional phases. After the "final" label draft was completed by the jury, the COIR distributed copies of a prototype label designed by NBS. Following evaluative and comparative discussions by the jury and the COIR a "final revision" was made of the jury's proposed label.

Developing the Attribute List. For each of the three products the first stage in label development was a "brainstorming" type of listing of product characteristics and product performance descriptors. Although consumer data from focused group or survey research was not available, the jury reflected a concern for characteristics which were important or essential for consumer choice, which differed among alternatives, and/or which would have health or safety impact. When information about actual consumer preferences or desires was available, the jury was guided by that data. In general, attributes which did not differ significantly among alternatives were not included. If attributes were obvious to the consumer upon product inspection and if it were likely that the consumer would have the opportunity to inspect the product before purchase, the jury was less likely to keep the attribute item on the label. It was possible to add to or subtract from the list at any time during the label development process.

Categorizing Attributes and Collapsing the List. Once a relatively complete list of important attributes had been developed, the jury identified several major categories or groupings of those attributes. The groupings reflected important concerns of consumers such as: (a) What is the product or what kind is it? (b) Where or how can it be properly used? (c) How well does it perform compared with other alternatives on major performance characteristics? (d) Are there any other important things I should know before I make my purchase decision?

Developing Label Format. Once general agreement had been reached that categorization and "list editing" was completed, the jury began to develop the prototype label format. In developing all three labels the jury attempted to use essentially a standardized order of information, terminology, scale format, etc. Basically the labels present general descriptive product information first. Wherever it was desirable to inform consumers of alternatives of which they might otherwise not be aware, the alternatives were presented. After descriptive information, the label typically noted information regarding appropriate applications or uses of the product. Performance information followed. Wording and format were chosen to reflect performance dimensions in terms meaningful to consumers. Wherever possible, scales (such as those used by the VDN labeling program in Sweden) involving numeric, pictorial, or verbal cues were used rather than a simple number or word. This format was intended to facilitate comparisons of purchase alternatives by consumers. The final section of the label usually included warnings about health or safety of product use. When appropriate, a reference directed the consumer to the "Buying Guide" for more detailed information.

Revision of the Draft Label. After completing the first draft, the jury considered the total label and made revisions.

NBS Label Evaluation and Comparison. When the jury had completed its "final draft" of its prototype label for both home insulation and smoke detectors, the COTR distributed copies of the prototype labels developed by NBS for its products (see Appendix A). Jurors noted similarities in the content and format of the labels in both cases and basic differences between the NBS and jury labels. At times the COTR requested jury comment on specific aspects, elements, or formats of the NBS prototypes.

Final Revision. As a result of the discussion and evaluation of the NBS and jury labels and in view of other specific guidelines or constraints expressed by the COTR, the jury made a final revision of their label, incorporating elements from the NBS label where appropriate. In the following section of this report the final revised versions of the jury's labels for the three products -- home insulation, smoke detectors, and vacuum cleaners -- are presented, along with specific discussion about label elements that warrant comment or emphasis.

III. THERMAL INSULATION

The jury prototype label for residential thermal insulation is presented on the next page. The following discussion of the label focuses only on those features whose presence requires justifications or whose format needs explanation.

Buying Guide

Insulation is a complex product available in multiple forms, each with particular uses and requiring proper installation to achieve satisfactory performance. Therefore, the label contains a direct statement urging consumers to acquire more information about the product from the Buying Guide which should be available at the point of purchase. The jury felt that the label alone could not present all the information necessary for consumers to make an informed choice of insulation type and brand.

Type

The jury felt that it was important not only to indicate which type of insulation a given package contained but also to show explicitly what other types of insulation are available. The purpose of the "box-check" format was to show the variety of alternative types clearly and simply.

Dimensions

The physical dimensions of the insulation product contained in the package are only meaningful for blanket insulation and rigid board. Thus, this information will be omitted from labels for loose fill and foam insulation.

Table Content

The specific content of the "thermal insulating ability" table will differ by type of insulation. The major organizing basis of the table is the thick-



CONSUMER PRODUCT INFORMATION

INFOTAG

THERMAL INSULATION FOR HOMES

Before buying insulation, see Buying Guide for additional information

TYPE: ☒ Blanket, roll ☐ Blanket, batt ☐ Loosefill for pouring
 ☐ Loosefill for blowing ☐ Rigid board ☐ Foam

MATERIAL: Fibrous glass **DIMENSIONS:** 3½" x 15½" x 32'

INTENDED FOR USE IN: ☒ Attic floor ☐ Hollow wall ☒ Open wall
 ☒ Open ceiling or rafter ☒ Basement ceiling or crawl space

THERMAL INSULATING ABILITY:

This package contains →

R value	Thickness (inches)	Coverage in each package (square feet)	Estimated Fuel Savings as % of fuel costs for a home with no insulation**				
			-30°	-10°	0°	20°	40°
3.8*	1.0						
11	3.5						
19	6.0						
26	9.0						

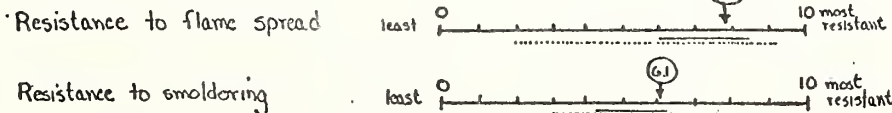
* The R-value per inch for different brands of fibrous glass insulation ranges from 2.6 to 4.2.

** See Buying Guide for explanation.

PRICE COMPARISON NUMBER FOR THIS PACKAGE = $\frac{\text{Price of this package}}{710}$
 (710 = R-value x Square feet of coverage in this package)

The lower the Price Comparison Number, the lower the cost of insulating a given area to a desired level of insulation protection (R value). You can use Price Comparison Numbers to compare the costs of a certain level of insulation protection for different brands or for different types of insulation.

FIRE SAFETY RATINGS:



Key: The rating for this product is given by the arrow. The range of ratings obtained for other brands of fibrous glass insulation is given by the dark solid bar under each scale. The range of ratings for all types of insulation is given by the dotted bar under each scale.

CAUTIONS AND WARNINGS (See Buying Guide for additional information)

- Some types of insulation have a tendency to corrode some metals, attract vermin, or permit fungus growth.
- Protective clothing recommended for installation: Breathing mask and proper clothing
- Keep recommended space between insulation and objects that may get hot.
- Proper installation is necessary for safety and effectiveness.

ness of the insulation. For blanket and rigid board types, the table must reflect the basic thicknesses in which that form of insulation is manufactured. For loose fill and foam, the table might be organized in terms of common lumber dimensions (e.g., 3 1/4", 6", 8", 10", 12").

One Inch Standard

The first line of every "thermal insulating ability" table will present the R-value and its related data for one inch of that type and brand of insulation. By presenting the R-value for a standard of one inch, insulation brands and types can be compared in terms of absolute thermal insulating power or protection. To facilitate such comparisons the footnote for the one-inch R-value presents the range of variation in R-value for insulation of that type.

Fuel Savings. The jury was concerned that certain technical ratings of insulation properties (such as R-value) may have little or no direct meaning to the consumer. In the absence of other information, an R-value of "12" has no meaning to the consumer. Such a raw index by itself connotes little or nothing about the thermal resistance properties of the product. One criterion critical to many consumers' decisions to purchase insulation is the fuel cost likely to be saved by insulating their homes. Therefore, we suggest that NBS develop an estimate of the approximate savings in fuel cost that would be realized by insulating one's house. A standard might be developed mathematically using a typical house, fuel costs and predicted fuel consumption, and different levels of thermal insulation. The jury feels that a percentage index of the savings realized at a given R-value compared to no insulation would be more understandable to the consumer than the R-value would be by itself. However, we would urge that indices of wide applicability be developed. Because the procedure to develop the expected fuel cost savings is likely to

be complex, the jury feels it cannot be explained on the label but the explanation should be included in the Buying Guide.

Price Comparison Number. The jury members feel strongly that the label should provide consumer information to facilitate comparisons between brands and between product types. The Price Comparison Number is intended to do just that by providing consumers with an index that reflects the price of a given level of thermal protection provided by one package of insulation. When the index is computed for alternative brands the consumer can identify the most cost-effective alternative.

Fire Safety Ratings. The same objective of simplifying comparisons influenced the jury's decisions regarding the format of the scales describing fire resistance properties. The proposed scale not only shows a given brand's performance level but also shows the range of performance (a) for other brands of the same insulation type and (b) for all other types of insulation. Thus, the product rating is put into a meaningful context and can be directly interpreted by a consumer.

Caution "A". The jury feels that corrosion, vermin, and fungus factors are fairly complex and are relevant only to limited segments of the insulation market. Therefore, the details regarding this information should be presented in the Buying Guide. Consumers with these special problems could consult the Buying Guide for further information.

Cautions "B" and "C". Because these factors are major health and/or safety hazards, a clear warning statement is deemed necessary.

IV. SMOKE DETECTORS

The smoke detector label continues using the labeling principles explained in the previous section. The label is shown on the following page. Both the ionization type and the photoelectric type are listed, indicating to the consumer that there are two alternatives. Members of the expert jury were informed that both heat and gas detectors are available but are not considered as "smoke detectors." Other types of detectors are under development and when available, additional categories may need to be added.

The same comparison scale explained in the previous section is used for this label. It is believed to be the best form for conveying the complex information of specific rating, comparison to other brands of the same type, and comparison for all types of the product.

Type of Fire and Smoke

Sensitivity in terms of response time is expected to vary by type of fire. The six types of fire are intended to represent the proposed International Standards Organization (ISO) types of fires, described in meaningful terms to the consumer would have a correct perception of the type of fire and type of smoke involved. This alerts consumers that there are different types of fires and allows consumers to evaluate differences in response time in relation to their own needs.

Time for Alarm to Sound

The end point (30 minutes) on the "time to respond" scale may be technically incorrect. The jurors did not know the actual response times, and this end point might appropriately be shortened or lengthened, depending on the range of actual response time encountered.

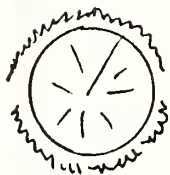
The jury agreed that sensitivity would be the most important item of information to consumers. They emphasized, therefore, the need to include information about sensitivity and expressed the belief that NBS could select or develop an adequate testing method. Thus, the alternative of a label without a basis for comparing smoke detector sensitivity was considered by the jury to be unacceptable. Finally, the jury believed that technical standards should be based on actual response time rather than a surrogate standard such as optical density.

Summary

Complex issues regarding the use of measures, simplicity vs. completeness, and differing product information needs come together here. Where information on brand or product performance for varying applications or uses is provided and where several scales or measures are used, it is possible that consumer information processing will be made more difficult. The jury was unable to resolve this issue to its satisfaction because of time constraints. How a summary measure or statement set is determined, whether on balance it is more or less useful, etc, are questions to be addressed in future research.

Battery

The "Battery" information entry is omitted for AC-only models.



CONSUMER PRODUCT INFORMATION

INFOTAG

SMOKE DETECTOR

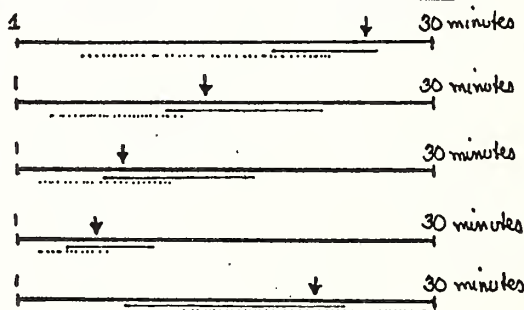
TYPE: ☒ Ionization ☐ Photoelectric
POWER SOURCE: ☒ Battery ☐ AC - direct wiring required ☐ AC-plug-in (Battery backup?; cord length: — 9 ft. — 20 ft.)
RECOMMENDED PLACEMENT: ☐ Wall ☒ Ceiling ☐ Either

SENSITIVITY:

TYPE OF FIRE AND SMOKE

- A. Strong flame, little smoke (wood)
- B. Weak flame, much smoke (wood)
- C. Smoldering, much smoke (foam)
- D. Strong flame, little smoke (plastic)
- E. Flammable liquid, smoky (oil)
- F. Flammable liquid, heat (alcohol)

TIME FOR ALARM TO SOUND



Key: The rating for this product is given by the arrow. The range of ratings for other brands of ionization detectors is given by the dark solid bar under each scale. The range of ratings for brands of photoelectric detectors is given by the dotted line under each scale.

SUMMARY:

ALARM LOUDNESS: 87 decibels (A scale) Higher numbers indicate greater loudness

TROUBLE SIGNAL DURATION: 7 days

TESTING PROCEDURE: (Introducing smoke into unit will always test entire unit)
☒ Has test button which — tests entire unit, ✓ tests power and horn only

BATTERY (if applicable): Expected life: 12 months Availability: ☒ wide ☐ limited

CAUTIONS:

Restrictions on location: This unit should not be used in kitchens, garages, attics, or in cold spaces.

The effectiveness of this unit requires proper installation. See Owner's Manual for installation instructions.

V. VACUUM CLEANERS

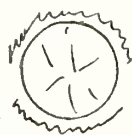
The label for vacuum cleaners also continues using the labeling principles discussed in the previous sections on thermal insulation and smoke detectors. The label is shown on the following page. In the "Type" section the format listing all alternatives is used again to call attention to the fact that there are product type alternatives which should possibly be considered before a purchase decision is made. The comparison scales used in the previous sections are also used on this label as the best form for conveying the complex information of specific ratings and comparisons among brands and across product types.

Types

Although type or model alternative lists usually include upright, canister, and canister with power nozzle models, our listing also includes both the electric broom and the hand-held models. For example, the hand-held model may offer an alternative to the canister for consumers seeking a vacuum cleaner model to satisfy cleaning needs such as a small apartment, little carpeting, stairs, or drapes.

Accessories

Because it is not obvious to the consumer which accessories are included in the priced package, it is important to list the accessories included. A standardized nomenclature and order of listing should be developed to facilitate interpretation (e.g., "crevice tool 1/2"x1 1/4"x10") and to make possible comparisons between brands and/or products.



CONSUMER PRODUCT INFORMATION

INFOTAG

VACUUM CLEANERS

TYPE: ☐ Upright ☒ Canister ☐ Canister with power nozzle
☐ Hand-held

ACCESSORIES: (listed in standard nomenclature)

WEIGHT:

CORD LENGTH:

HOSE LENGTH:

EFFECTIVE BAG CAPACITY:

☒ Full Bag Indicator

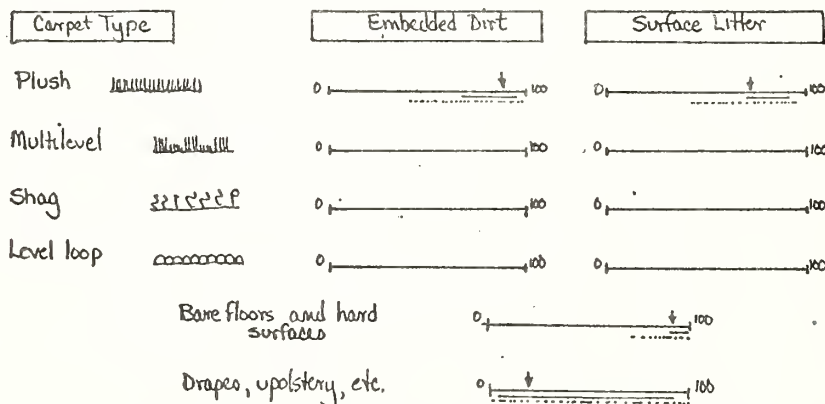
☐ Reusable bag

FUNCTION: ☐ Suction only

☒ Suction and blowing

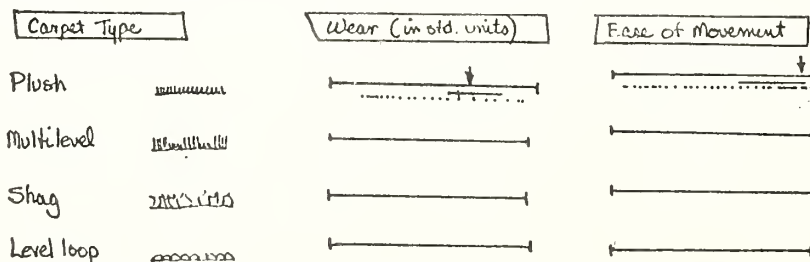
☒ Disposable bag

CLEANING ABILITY:



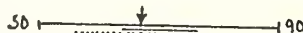
KEY: The rating for this product is given by the arrows. All ratings are in terms of the percentage (%) of dirt removed. The solid dark bar under each scale indicates the range of performance ratings for other canister models. The dotted line indicates the range of performance ratings for all vacuum cleaners.

CARPET WEAR AND EASE OF MOVEMENT ACROSS CARPET:



KEY: The rating for this product is given by the arrow. The solid dark line under each scale gives the range of performance for other canister vacuums. The dotted line gives the performance of all types of vacuum cleaners.

NOISE LEVEL: 71 decibels (A-scale)



EXPECTED SERVICE-FREE* LIFE: 6 1/2 years

* Estimated time of normal use without major repairs.
Not a warranty or guarantee.

Effective Bag Capacity

Units with smaller bag capacities obviously require the inconvenience of emptying and/or the costs of bag replacement more often than do units with a larger capacity. In addition, for most units the empty capacity of the bag (its maximum capacity of dust or lint) is not the significant measure of performance. Because of design differences, cleaning efficiency varies among units as the bags fill. The jury suggests that a standardized measurement procedure be developed to test for effective bag capacity (e.g., the amount in liters of standardized dirt accumulated by the machine in the bag up to the point where the machine will perform at 80% of its empty cleaning ability).

Carpet Types and Cleaning Surfaces

Because consumers have different cleaning requirements and because vacuum cleaners differ in their abilities to clean different surfaces, standard measurement procedures should be developed for testing cleaning ability on several representative carpet surfaces as well as on hard surfaces (bare floors) and fabric surfaces (drapes and upholstery). A variety of alternatives are reflected in the labels of European countries with labeling programs. The terms and surface types should, of course, be readily interpretable by consumers.

Embedded Dirt and Surface Litter. Because performance differences between models as well as brands exist for different types of dirt and because these differences are important to consumers, the performance scales are separated for these two representative types of dirt for carpeting materials. Standardized dirt and litter composition should be determined and a standardized measurement procedure should be developed for measuring performance on these attributes.

Wear. Carpet wear is also a significant concern of consumers. Models as well as brands show noticeable variation in performance here. A standardized measurement should be developed to reflect performance of the machine (or nozzle) on this characteristic and the test should be performed on different types of carpet surfaces if variation is significant.

Ease of Movement

Some standardized measure of ease of movement of the cleaning nozzle (or machine) over various types of carpet surfaces should be developed.

Expected Service-Free Life

Models and brands differ in length of trouble-free life. The basic repair-free expected life of the brand or model gives the consumer a summary measure for comparing the reliability and durability of the product. A standardized measurement procedure -- perhaps like the methods used by MIT's Center for Policy Alternatives in its total product life cost studies -- should be developed for reporting expected longevity of the product. The explanatory note or disclaimer is intended to prevent misinterpretation of "free service" by consumers and to interpret the concept of "service-free" life.

VI. CONCLUDING COMMENTS

Jury members individually and collectively insisted on making some concluding comments about the label development process in which they participated, expressing some important reservations, offering several recommendations for label development procedures, and identifying some unresolved issues inherent in this activity.

Evaluation of This Process

The "expert jury" process used to develop these three labels is "workable". However, while there is similarity between two of the jury's labels (insulation and smoke detectors) and the NBS counterparts, it is important to note the differences and to consider several suggestions regarding this process.

A "Workable" Process

The process in which the jury participated did result in achievement of the task objective. Three prototype labels were developed for the products assigned within the time frame specified. In that sense, the process "worked."

Similarity Between NBS and Jury Labels

A first glance at both the NBS and the jury labels for insulation or for smoke detectors shows some strong similarity between the labels produced by each group. The elements included and their order on the label are reasonably close. Perhaps that is not surprising. The NBS label is the result of secondary data gathering coupled with primary comment and work by engineers and "consumer sounding boards." The jury's work was completed in a span of

two days. It reflects their use of secondary data, their knowledge of consumer concerns, and their experience with the products, and discussion with technical experts.

Differences Between NBS and Jury Labels

A careful comparison of the NBS and jury labels exposes some rather important differences between the output of the two label development processes. The differences include jury emphasis on meaningfulness of terms and measures, on facilitating comparisons, and on identification of choice alternatives -- in general, an orientation toward a consumer use criterion rather than one of technical correctness.

A meaningfulness to the consumer is critical. The basic criterion of whether one label is superior to another is whether or not the consumer is able to interpret and use one label better than the other; it is not whether one label uses terms or symbols technically more correct than the other.

The jury labels consistently attempt to aid consumers in comparing product as well as brand alternatives. The use of the comparison-type scale offers the opportunity to see at a glance where a brand performed not merely in some absolute sense, but, more importantly, to see that performance level in relation to the range of performance for other brands and alternative product types.

Not only does the jury label emphasize comparison facilitation, but it also makes consumers aware of important choice alternatives. Alternative product types or characteristics are explicitly listed with boxes to be checked to identify the presence of a given attribute. Thus, the label itself makes consumers aware of alternatives which previously may not have been known.

In summary, the basic differences between the NBS and jury labels reflect the jury's strong concern that the label be meaningful and useful to consumers. The bottom-line question is, "Is important information presented in such a manner that the consumer can readily apprehend, process, and correctly use it in a way that relates to the consumer's experience?"

Recommendations Regarding This Procedure

As a result of their participation in this label development procedure and in view of their desire for a more efficient process if this procedure is used again, jury members suggest that (a) more information should be provided before the jury is assembled and (b) jury membership could be broadened to include one or two technical experts familiar with the product and its distribution. It is recognized that the jury must be held to a manageable size in order to make feasible the interactions and the quick consensus necessary for creation of a draft label within the time constraint.

Reservations About the Procedure

Jury members repeatedly voiced strong concerns that this procedure should not be considered a substitute for a consumer-validated label development process. Validation of informative labeling can be achieved only by empirical consumer research.

Member participation in the development of these draft prototype labels should not be viewed as an endorsement of the voluntary labeling program, the label development process, or the draft labels themselves.

Recommendations

The label development process should include provisions for implementing evaluation research, for consumer label testing research, for product specific research, and for basic consumer information processing research.

1. Evaluation Research. Informative labeling programs should state specific objectives or goals to be achieved by informative labels and should specify measurements to determine if those goals have been achieved. Impact research should be planned as an integral part of informative labeling programs.

2. Label/Element Testing Research. It is imperative that drafted labels as well as specific copy or working alternatives, format alternatives, scale alternatives, symbol alternatives, etc., all be tested using representative consumer samples using proper field and laboratory research procedures.

3. Product Specific Research. Before labels are developed for a product category it is necessary to have consumer data relevant to product preferences, concerns, and uses. Secondary information should be collected and, where necessary, primary data should be gathered on attribute salience and importance, how consumers chunk or group atomistic attributes into molar chunks for making decisions or storing in memory, and about what products are considered substitutes for this product.

4. "Basic" Research. Finally, an on-going labeling program should support the basic research into consumer information processing of product information. Such research should investigate how consumers use labels as one form of product information.

Unresolved Issues

There are some issues which are left unresolved by the jury. It became clear that manufacturers of smoke detectors were not satisfied that there is currently an acceptable SMMP (Standard Methods of Measuring Performance) for measuring "sensitivity". The jury also is aware that vacuum cleaner manufacturers continue to debate techniques and procedures for measuring "cleaning

ability." At issue then is the question: "Is it better to develop and promulgate an 'informative' label which omits a significant dimension of performance evaluation for the consumer, or is it better to not promulgate an incomplete label at all?" "Is a partial label better than none at all?"

The jury is also concerned about including certain terms without explanatory detail on the label. Without adequate explanation the terms could be misleading and deceptive. While Buying Guides may relieve some concerns about such incompleteness, it is not likely that all consumers would seek out information in the Buying Guides if available.

The first and final question to be asked by the informative labeler is, "Can the label be used by the consumer in a meaningful way to facilitate or simplify an educated choice between brands and/or products?"



U.S. Department of Commerce
CONSUMER PRODUCT INFORMATION PROGRAM
INFOTAG

WARNING: Follow Instructions. Proper installation is necessary for safety and effectiveness

Thermal Insulation for Homes
Cellulose (Wood Fiber)
Loose Fill for Blowing

For use in: ☒ Attic floor ☐ Basement ceiling
☒ Exterior Wall ☐ Crawl space
☒ Interior Wall

The contents of this package will provide:

An R value* of	At a thickness of (inches)	Which will cover (square feet)
3.8	10	186
13	3.5	53
21	5.5	33.8
40	10.5	17.7

NOTE: The higher the R value for a given area, the more you save on fuel.

Price comparison number for this package

Price of package

710

The lower this number, the less it will cost to insulate a given area.

Surface flame spread rating **43**

The higher this number, the more resistant the insulation is to surface flame spread. Ratings range from 1 to 10.

Smoldering rating **3**

The higher this number, the more resistant the insulating is to smoldering. Ratings range from 0 to 10.

FSC number: **55**

Some building codes and other regulations require that this number not exceed a certain value. Check with your local authorities.

Corrosion: This material may corrode the following metals: Steel

Chemical additives: Boric Acid

Data on this label for this unit
certified by

Insert name or logo of
manufacturer or other
organization

JKL, Inc.

U.S. DEPARTMENT OF COMMERCE
OFFICE OF THE SECRETARY

Reprinted from Federal Register, Volume 43, Number 104—Tuesday, May 30, 1978
(Pages 23488-23495)

DEPARTMENT OF COMMERCE

Office of the Secretary

VOLUNTARY CONSUMER PRODUCT
INFORMATION LABELING PROGRAM

Proposed Specification for Labeling of Thermal
Insulation for Homes

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Proposed performance information labeling specification.

SUMMARY: Pursuant to the procedures for a voluntary consumer product information labeling program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43 FR 8254, dated March 1, 1978), this notice announces the Department's proposed performance information labeling specification for the labeling of thermal insulation for homes under the program and invites interested persons to comment thereon. The proposed specification includes a description of the product and the performance characteristics covered, identification of product test methods to be used, label designs and label display requirements, and requirements for participation in the program with respect to thermal insulation for homes.

A separate notice is also being published in this issue of the FEDERAL REGISTER announcing the Secretary's intention to suspend fees for participation in this program with respect to thermal insulation for homes.

DATE: Comments must be received on or before July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On December 14, 1977, the Department announced in the FEDERAL REGISTER (42 FR 62946-62949) a finding of need to label thermal insulation for homes under the voluntary consumer product information labeling program and further announced that a performance information labeling specification (specification) was being devel-

oped for such insulation. These actions were taken in response to requests that thermal insulation for homes be labeled and were in accordance with §16.4(d) of the Department's published Procedures for a voluntary consumer product information labeling program as amended (15 CFR Part 16; 42 FR 26647 at 26649, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43 FR 8254, dated March 1, 1978) (procedures). The effort to develop the specification has resulted in the proposed specification included in this notice, which is hereby presented for public comment in accordance with §16.5(a) of the procedures.

Under §16.2(b) of the procedures, the Department of Commerce may include on product performance labels information on product performance characteristics also covered by labeling programs of other Federal agencies, provided the other Federal agencies agree to such inclusion. The Department is cognizant of other Federal agency requirements and proposed requirements for labeling of thermal insulation for homes. Efforts have been made to coordinate the proposed specification with those requirements of other agencies so as to avoid the need for separate labels to meet differing agency requirements. These coordination efforts will continue as the final specification is written.

Interested persons desiring to comment on the proposed specification set out below are invited to submit such comments on or before July 14, 1978, to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230.

Any person desiring to express his or her views relative to the proposed specification in an informal hearing may do so by communicating that desire in writing, on or before June 14, 1978, to the Assistant Secretary for Science and Technology at the address shown in the preceding paragraph. Upon receipt of such request informal hearings will be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings will be published in the FEDERAL REGISTER.

Upon receipt of the comments submitted in response to this notice, including the testimony of individuals at any hearings that may be held in conjunction therewith, a complete evaluation of such comments and testimony will be made. Upon completion of that evaluation a notice will be published in the FEDERAL REGISTER either (1) giving the complete text of a final specification, (2) stating that the proposed specification will undergo further development before final publication, or (3) withdrawing the proposed specification from further consideration.

Being published simultaneously in this issue of the FEDERAL REGISTER with this notice is a separate notice announcing that pursuant to §§16.6 (a) and (d) of the procedures the Secretary intends, at such time as a final specification for the labeling of thermal insulation for homes is issued, to suspend all fees and charges for participation in the program with respect to thermal insulation for homes.

Issued: May 23, 1978.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

The following is the proposed specification under consideration for the labeling of thermal insulation for homes:

PROPOSED PERFORMANCE INFORMATION LABELING
SPECIFICATION FOR THERMAL INSULATION FOR HOMES

- 1.0 Purpose.
- 2.0 Scope.
- 3.0 Definitions.
- 4.0 Initiation and termination of participation in program.
- 5.0 General conditions for participation.
- 6.0 Identification of material, form, and recommended application.
- 7.0 Testing and rating for area covered.
- 8.0 Testing and rating for R value.
- 9.0 Rating for thermal coverage and pricing factor.
- 10.0 Testing and rating for resistance to surface flame spread.
- 11.0 Testing and rating for resistance to smoldering.
- 12.0 Testing and rating for FSC number.
- 13.0 Testing and rating for corrosiveness.
- 14.0 Product labeling.
- 15.0 Use of program information in advertising.
- 16.0 Amendment.

FIGURE 1. Label for Loose Fill Type Insulation.

FIGURE 2. Label for Blanket, Batt, or Board Type Insulation.

APPENDIX A. Form for Notification of Desire To Participate in Program.

1.0 Purpose

The purpose of this Performance Information Labeling Specification is to establish procedures for the testing and labeling of thermal insulation for homes in accordance with the Procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated Nov. 4, 1977; and 43 FR 8254, dated Mar. 1, 1978) and to define requirements for participation in that program with respect to such insulation.

2.0 Scope

2.1 This Specification shall apply to the product class consisting of all insulation as defined in § 3.9 of this Specification.

2.2 Insulation covered by this Specification shall be labeled with respect to its material, form, recommended application, R value, area covered, pricing factor, resistance to surface flame spread, resistance to smoldering, FSC number, and corrosiveness.

3.0 Definitions

3.1 The term "Secretary" means the Secretary of Commerce or her designee.

3.2 The term "participant" means a manufacturer, assembler or private brand labeler of insulation, or an importer of insulation for resale, who participates in the Program with respect to insulation.

3.3 The term "designated agent" means a person, as defined in § 16.3(e) of the Procedures, who has been designated by the Secretary to carry out appropriate operational procedures on behalf of more than one participant in accordance with § 16.9 of the Procedures.

3.4 The term "Program" means the Voluntary Consumer Product Information Labeling Program.

3.5 The term "Procedures" means the Procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated Nov. 4, 1977; and 43 FR 8254, dated Mar. 1, 1978).

3.6 The term "Specification" means the Performance Information Labeling Specification for Thermal Insulation for Homes.

3.7 The term "Label" means printed matter affixed to or otherwise provided with insulation and meeting the requirements of § 14.0 of this Specification.

3.8 The term "Department of Commerce Mark" means the mark indicated in Figures 1 and 2, which is registrable in the U.S. Patent and Trademark Office under 15 U.S.C. 1054.

3.9 The term "insulation" means thermal insulation intended for use in the ceiling, walls, floors, or other structural elements of private dwellings and customarily available to consumers for their use in the retrofitting of existing buildings or in the initial fitting of new buildings. The term includes loose-fill, batt, blanket, and board type insulation consisting of either organic or mineral materials in either cellular or fiber form.

3.10 The terms "ASTM Standard Test Method" and "ASTM Standard Recommended Practice," when used as references to specific documents and when used without identifying dates, means the current version of the specific American Society for Testing and Materials standard test method or standard recommended practice referenced. Copies of these documents may be obtained from the American Society for

Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

3.11 The term "Proposed Federal Specification" means the proposed version of the designated Federal purchase specification published by the Federal Supply Service, General Services Administration, for the use of all Federal agencies. The referenced portions of Proposed Federal Specifications may be obtained from the National Bureau of Standards, Division 761, Washington, D.C. 20234.

4.0 Initiation and Termination of Participation in Program

4.1 Any manufacturer, assembler, or private brand labeler of insulation, or importer of insulation for resale, desiring to participate in the Program with respect to insulation will notify the Secretary. The notification shall list the brand name(s) for which the prospective participant proposes to use Labels and the proposed date of entry into the Program for each brand name. The notification shall also include a statement that if accepted as a participant in the Program the prospective participant will (1) abide by all conditions imposed by the Procedures, (2) abide by all conditions imposed by this Specification, and (3) desist from using the Department of Commerce Label and Mark if its participation in the Program is terminated. The notification shall be addressed to the Assist Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. The notification may be in the form shown in Appendix A.

4.2 The Secretary shall act expeditiously on all requests to participate in the Programs and shall notify each prospective participant of her decision in writing. In those instances where the Secretary declines a request, she shall state the reasons for so declining.

4.3 If a prospective participant seeking to participate in the Program is notified by the Secretary that she proposes to deny that prospective participant the right to participate, that prospective participant shall have 30 days from the receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to such prospective participant in the event that he does not appeal such notification by the end of the 30-day period. If, however, such prospective participant requests a hearing within that 30-day period, the Secretary's proposed denial shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

4.4 A participant may at any time terminate his participation and responsibilities under this Program with respect to a given brand of insulation by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all insulation of that brand.

4.5 The Secretary, upon finding that a participant is not complying with the conditions set out in the Procedures or in this Specification, may terminate upon 30 days' notice the participant's right to continue his participation in the Program with respect to insulation: *Provided*, That the participant shall first be given an opportunity to show cause why the participation should not be terminated.

4.6 Upon receipt from the Secretary of a notice of proposed termination of participation, which notice shall set forth the reasons for such proposed termination, the participant shall have 30 days from the date of receipt of such notification to request a

hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed termination shall become final through the issuance of a written decision to the participant in the event such participant does not appeal the proposed termination within the 30-day period. If, however, the participant requests a hearing within the 30-day period, the Secretary's proposed termination shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

5.0 General Conditions for Participation

5.1 Prior to the use of a Label participants shall make or have made the tests and ratings and the identifications required under §§ 6.0 through 13.0 of this Specification and shall retain adequate records of the tests and computations involved. Such records shall be kept on file by the participant or his agent for three years and shall, if requested by the Secretary within that three-year period, be forwarded to the Secretary within 30 days of such request.

5.2 Participants should make or have made tests on sufficient samples of insulation to provide a valid basis for determining ratings and should maintain such quality control programs, to include testing, as are necessary to insure that no insulation having a Label is mislabeled.

5.3 Participants shall enter product ratings and other information on their Labels, and shall display their Labels in accordance with the requirements of § 14.0 of this Specification.

5.4 Each participant shall be identified on Labels used by that participant as the organization certifying the accuracy of ratings on the Labels.

5.5 In addition to the testing referred to in §§ 5.1 and 5.2 of this Specification, participants shall, if requested by the Secretary in accordance with § 16.7(d)(4) of the Procedures, make or have made at their expense further tests or provide samples of insulation for further testing to determine whether testing has been done according to this Specification. The results of the requested tests, or the requested samples, shall be provided to the Secretary as soon as practicable, preferably within 30 days of receipt of such requests. This requirement does not preclude the Department of Commerce from testing or having tested any insulation at its own expense.

5.6 The requirement in §§ 5.1 and 5.5 of this Specification and the recommendation in § 5.2 of this Specification that participants "make or have made" tests of insulation may be fulfilled through the use of in-house testing, testing by other laboratories, testing associated with certification programs, or a combination of these three types of testing. However, for the purposes of this Program, accountability shall remain with the participant for information entered on Labels by that participant.

5.7 Participants may reproduce or may authorize non-participants such as retail sales organizations to reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That the requirements in § 15.0 of this Specification are satisfied.

5.8 Participants may utilize the services of designated agents who have been designated by the Secretary under § 16.9 of the Procedures to carry out specified operational procedures on behalf of participants in the Program with respect to insulation.

6.0 Identification of Material, Form, and Recommended Application

6.1 Insulation shall be identified with respect to its basic material through the use

of the most appropriate of the following descriptive terms on Labels: mineral wool, cellular glass, perlite, vermiculite, cellulose, polystyrene, polyurethane, polyisocyanurate. If none of the above terms is appropriate, a descriptive term provided and published by the Secretary under § 6.4 of this Specification shall be used.

6.2 Insulation shall be identified with respect to its basic form through the use of the most appropriate of the following terms on Labels: board type, board type with vapor barrier, blanket type, blanket type with vapor barrier, batt-type, batt type with vapor barrier, loose fill type for pouring, loose fill type for blowing, loose fill type for pouring or blowing. If none of the above terms is appropriate, a descriptive term provided and published by the Secretary under § 6.4 of this Specification shall be used.

6.3 Insulation shall be identified with respect to its recommended application by checking one or more of the following descriptive terms on Labels: attic floors, basement ceilings, floors over crawl spaces, enclosed walls, open walls. If none of the above terms is appropriate, one or more descriptive terms provided and published by the Secretary under § 6.4 of this Specification shall be used.

6.4 Participants or potential participants desiring to describe on Labels an insulation with respect to its material, form, or recommended application, for which insulation the descriptive terms listed in § 6.1, 6.2, or 6.3 of this Specification are not appropriate, should notify the Secretary of the need for additional descriptive terms. Any such notification shall describe the material, form, and recommended application of the subject insulation and shall include proposed additional descriptive terms. Such notifications shall be addressed to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. The Secretary shall provide additional descriptive terms if needed, or shall inform the submitter of the notification as to which of the previously listed descriptive terms should be used for the subject insulation, within 30 days of receipt of the notice. When additional descriptive terms are provided to the submitter, the Secretary shall also, as soon as practicable, publish in the *FEDERAL REGISTER* a notice of such provision.

6.5 Insulation shall be considered mislabeled if the material or form of the insulation is different from the approved descriptive terms for material and form listed on the Label, or if the insulation is deemed by the Secretary to be inappropriate for one or more of the approved recommended applications checked on the Label.

7.0 Testing and Rating for Area Covered

7.1 For loose fill type insulation, area covered shall be computed using the relationship $A = M/(D \cdot t/12)$, where A is the area covered, in square feet; M is the weight of insulation in a package, in pounds; D is the settled density in pounds per cubic foot determined in accordance with section 4.5.1 of Proposed Federal Specification HH-I-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Applications): Cellulosic or Wood Fiber, as proposed November 4, 1977, or section 4.5.1 of Proposed Federal Specification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Application), as proposed November 4, 1977, as appropriate; and t is the settled thickness of the installed insulation, in inches. (See section 3.11 of this Specification.) Area covered shall be computed for settled thicknesses of 1.0, 3.5, and 5.5 inches, and for the settled thicknesses in inches cor-

responding to R values of $R = 30$ and $R = 40$ as determined under section 8.1 of this Specification. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.2 For blanket and batt type insulation, area covered shall be computed using the relationship $A = W \cdot L$, where A is the area covered in square feet and W and L are the width and total length in feet of the package piece or pieces, measured on a flat horizontal surface in as-installed condition. Measurements of W and L may be made with any measuring device of suitable accuracy but care must be taken not to distort the insulation in the measurement process. During the measurement process, normal installed thickness in inches shall also be determined in accordance with section 4.1.1 of ASTM C 167, Standard Test Methods for Thickness and Density of Blanket or Batt Type Thermal Insulating Materials. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.3 For board type insulation, the area covered shall be computed using the relationship $A = W \cdot L$, where A is the area covered in square feet and W and L are the width and total length of the packaged piece or pieces, in feet. Measurements may be made with any measuring device of suitable accuracy. During the measurement process, normal installed thickness in inches shall also be determined. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.4 When tests to determine if insulation is mislabeled are conducted in accordance with section 7.1, 7.2, or 7.3 of this Specification and any value for area covered so determined is found to be less than the value shown on the Label for the same thickness of insulation by 0.2-square foot or 3 percent of the labeled value, whichever is greater, the insulation shall be considered mislabeled.

8.0 Testing and Rating for R Value

8.1 For loose fill type insulation, R value (thermal resistance) shall be determined in accordance with ASTM C 687, Standard Recommended Practice for Determination of the Thermal Resistance of Low-Density Fibrous Loose Fill Type Building Insulation. R values shall be determined at a mean temperature of 75°F for the settled density as determined under section 7.1 of this Specification. R values shall be computed for settled thicknesses of 1.0, 3.5, and 5.5 inches, and the settled thicknesses in inches corresponding to R values of $R = 30$ and $R = 40$ shall also be computed. R values shall be given in °F · h · ft²/Btu where °F means temperature difference in degrees Fahrenheit, h means hours, ft² means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit and R values of 10 or more shall be expressed in whole numbers on Labels.

8.2 For blanket and batt type insulation, R value shall be determined in accordance with ASTM C 653, Standard Recommended Practice for Determination of the Thermal Resistance of Low-Density Mineral-Fiber Blanket-Type Building Insulation. R value shall be determined at a mean temperature of 75°F for the normal installed thickness as determined under section 7.2 of this Specification. R value shall be given in °F · h · ft²/

But, where °F means temperature difference in degrees Fahrenheit, h means hours, ft² means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit, and R values of 10 or more shall be expressed in whole numbers on Labels.

8.3 For board type insulation, R value shall be determined in accordance with either ASTM C 177, Standard Test Method for Thermal Conductivity of Materials by Means of the Guarded Hot Plate; ASTM C 236, Standard Test Method for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box; or ASTM C 518, Standard Test Method for Steady State Thermal Transmission Properties by Means of the Heat Flow Meter. Measurements shall be made at a mean temperature of 75°F on aged test specimens representative of the density and thickness of the labeled insulation. R value shall be computed for the installed thickness as determined under section 7.3 of this Specification and shall be given in °F · h · ft²/Btu, where °F means temperature difference in degrees Fahrenheit, h means hours, ft² means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit and R values of 10 or more shall be expressed in whole numbers on Labels.

8.4 Since in sections 8.1 and 8.2 of this Specification the referenced recommended practices provide alternative test methods for determining R value, and since in section 8.3 of this Specification alternative test methods are also provided, then in all cases where an R value rating comes into dispute the following order of precedence shall be held to prevail: R values determined in accordance with ASTM C 177, Standard Test Method for Thermal Conductivity of Materials by Means of the Guarded Hot Plate, shall prevail over R values determined in accordance with other methods, and R values determined in accordance with ASTM C 236, Standard Test Method for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box, shall prevail over R values determined in accordance with ASTM C 518, Standard Test Method for Steady State Thermal Transmission Properties by Means of the Heat Flow Meter.

8.5 When tests to determine if insulation is mislabeled are conducted in accordance with section 8.1, 8.2, or 8.3 of this Specification and any R value so determined is found to be less than 95 percent of the R value shown on the Label for the same thickness of insulation, the insulation shall be considered mislabeled.

9.0 Rating for Thermal Coverage and Pricing Factor

9.1 For loose fill, blanket, batt and board type insulation, a thermal coverage rating shall be computed using the relationship $TCR = R \cdot A$ where TCR is the thermal coverage rating, R is the R value determined under § 8.1, 8.2, or 8.3 of this Specification and A is the area covered value, corresponding to this R value, determined under § 7.1, 7.2, or 7.3 of this Specification. For loose fill type insulation TCR shall be computed using the R value and area covered value corresponding to a settled thickness of one inch. For batt, blanket and board type insulation, TCR shall be computed for the R value and area covered corresponding to the installed thickness.

9.2 For display on the Label, a pricing factor shall be calculated using the relationship $PF = 1000/TCR$, where PF is the pric-

ing factor and TCR is the thermal coverage rating determined in accordance with § 9.1 of this Specification. Pricing factor shall be expressed in hundredths of a unit on Labels.

9.3 When ratings to determine if insulation is mislabeled are made in accordance with §§ 9.1 and 9.2 of this Specification and the pricing factor so determined is found to be not in agreement with the pricing factor shown on the Label, the insulation shall be considered mislabeled.

10.0 *Testing and Rating for Resistance to Surface Flame Spread*

10.1 For loose fill, blanket, batt, and board type insulation, resistance to surface flame spread shall be determined in accordance with the surface flame spread test referenced in the following three specifications: § 4.5.7 of Proposed Federal Specification HH-I-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Applications); Cellulosic or Wood Fiber, as proposed November 4, 1977; § 4.5.8 of Proposed Federal Specification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Applications), as proposed November 4, 1977; and § 4.7.6 of Proposed Federal Specification HH-I-521F, Insulation Blankets, Thermal (Mineral Fiber, for Ambient Temperatures), as proposed November 9, 1977. (See § 3.11 of this Specification.) However, the following requirements shall apply to the testing of insulation having a vapor barrier or other membrane: Insulation having a vapor barrier or other membrane shall be tested both with the membrane exposed to the radiant panel and with the membrane either removed from the insulation or intact but not exposed, and the lower of the resulting values of resistance to surface flame spread shall be shown on Labels: *Except* That insulation which is clearly and conspicuously marked on the membrane that an exposed membrane may present a fire hazard and should not be installed so as to expose said membrane may be tested only with the membrane intact but not exposed to the radiant panel and the resulting value of resistance to surface flame spread shown on Labels. Resistance to surface flame spread shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. Resistance to surface flame spread shall be given as the critical radiant flux in watts per square centimeter, shall be expressed in hundredths of a unit, and indicated at the appropriate position on the resistance to surface flame spread scale on Labels.

10.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 10.1 of this Specification and the resistance to surface flame spread so determined is found to be less than 95 percent of the resistance to surface flame spread shown on the Label, the insulation shall be considered mislabeled.

11.0 *Testing and Rating for Resistance to Smoldering*

11.1 For loose fill, blanket, batt, and board type insulation, resistance to smoldering shall be determined in accordance with the smoldering test referenced in the following three specifications: § 4.5.8 of Proposed Federal Specification HH-I-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Application); Cellulosic or Wood Fiber, as proposed November 4, 1977; § 4.5.9 of Proposed Federal Specification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Applications), as proposed November 4, 1977; and § 4.7.7 of Proposed Federal Specification HH-I-521F,

Insulation Blankets, Thermal (Mineral Fiber, for Ambient Temperatures) as proposed November 9, 1977. (See § 3.11 of this Specification.) For board type insulation, the hole for insertion of the ignition source may be formed by drilling with an 8-mm drill. Resistance to smoldering shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. Resistance to smoldering shall be computed as (100 - weight loss in percent)/10 and shall be expressed in halves of a unit and indicated at the appropriate position on the resistance to smoldering scale on Labels.

11.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 11.1 of this Specification and the resistance to smoldering so determined is found to be less than the resistance to smoldering shown on the Label by more than one-half unit, the insulation shall be considered mislabeled.

12.0 *Testing and Rating for FSC Number*

12.1 For loose fill, blanket, batt, and board type insulation, FSC number (Flame Spread Classification) shall be determined in accordance with ASTM E 84, Standard Test Method for Surface Burning Characteristic of Building Materials. However, the following requirements shall apply to the testing of insulation having a vapor barrier or other membrane: Insulation having a vapor barrier or other membrane shall be tested both with the membrane exposed and with the membrane either removed from the insulation or intact but not exposed, and the higher of the resulting FSC numbers shall be shown on Labels: *Except*, That insulation that is clearly and conspicuously marked on the membrane that an exposed membrane may present a fire hazard and should not be installed so as to expose said membrane may be tested only with the membrane intact but not exposed and the resulting FSC number show on Labels. FSC number shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. FSC numbers (Flame Spread Classification) shall be expressed in whole numbers evenly divisible by five on Labels.

12.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 12.1 of this Specification and the FSC number so determined is found to be more than five numbers greater than the FSC number shown on the Label, the insulation shall be considered mislabeled.

13.0 *Testing and Rating for Corrosiveness*

13.1 For loose fill, blanket, batt, and board type insulation, corrosiveness shall be determined in accordance with both § 4.5.5 of Proposed Federal Specification HH-I-515D, Insulation, thermal (Loose Fill for Pneumatic or Poured Application); Cellulosic or Wood Fiber; as proposed November 4, 1977, and § 4.5.6 of Proposed Federal Specification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Application), as proposed November 4, 1977, with the further provision that all metal specimens shall be degreased before testing by washing with 1.1.1 trichloroethane or trichloroethylene until completely free of water breaks. (See § 3.11 of this Specification.) Degreased specimens shall be handled only with clean forceps. In making tests in accordance with HH-I-1030B, contact between the metal specimen and the stainless steel woven wire cloth shall be avoided. Corrosive effects to be noted shall be those listed in § 3.1.9 of Proposed Federal Specification HH-I-515D and § 3.2.6 of proposed

Federal Specification HH-I-1030B. When the specified corrosive effects are noted with respect to the aluminum, copper, steel, or galvanized steel corrosion test specimens, the affected metals shall be checked on Labels. If the specified corrosive effects are not noted, the phrase "none of these" shall be checked on Labels.

13.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 13.1 of this specification and the affected metals so determined are found to be not checked on the Label, the insulation shall be considered mislabeled.

14.0 *Product Labeling*

14.1 The size and design of Labels shall be as shown in figure 1 for loose fill type insulation and Figure 2 for batt, blanket, and board type insulation, except that proportional reproductions of Labels from a minimum size of one half the indicated dimensions to a maximum size of 1.5 times the indicated dimensions may be used. The size of the Label shall be such as to clearly and conspicuously display the labeled information. All information and ratings called for in Figure 1 or 2 shall be shown on Labels, and no information or marks other than those indicated in Figures 1 and 2 shall be shown within the borders of Labels.

14.2 The Secretary shall provide each participant with camera-ready art suitable for use in printing Labels, except that such art will not contain numerical product ratings or other individualized information that is to be developed and provided by participants. Labels shall be based on accurate reproductions of the camera-ready art provided. However, participants may apply for permission to make minor variations in Label appearance, such as variations made necessary by the use of special printing techniques. Permission for such variations may be requested by application to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. Applications shall be accompanied by an example of the proposed variation.

14.3 Labels may be printed separately, printed on a container or wrapping that contains insulation and is conveniently visible to consumers before sale, or may be printed directly on the insulation if the insulation is clearly visible to consumers before sale. The Label lettering and the Label background shall be of contrasting colors. Separately printed Labels may be fastened with adhesive, attached as hang-tags, or affixed by any other secure means that does not detract from their visibility.

14.4 Labels shall be printed on or affixed to a conspicuous portion of each insulation package or other sales unit of insulation offered for sale to consumers. When Labels are printed or affixed along with other information, the Labels shall appear clearly distinct from the other information so that the Department of Commerce Mark on the Label cannot reasonably be considered to be associated with the other information.

14.5 Except for those packages or other sales units of insulation exported from the United States, every package or other sales unit of a labeled brand name of insulation that is listed in accordance with § 4.1 of this Specification shall carry a Label. However, participants utilizing more than one brand name may label some or all of those brand names of insulation in accordance with this Specification.

15.0 *Use of Program Information in Advertising*

15.1 Participants may reproduce Labels, including the Department of Commerce

Mark, in the advertising of insulation labeled under the Program: *Provided*, That entire Labels, complete with all information required to be displayed at the point of retail sale, are shown legibly and are not combined or associated directly with any other mark or logo. However, the use of such reproductions, which may be of any legible size, shall not be a substitute for labeling of insulation in accordance with this Specification.


15.2 Participants may authorize non-participants, such as retail sales organizations, to reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That the requirements in § 15.1 of this Specification are satisfied.

16.0 *Amendment*

This Specification is subject to amendment or revision as provided in § 16.11 of the Procedures, except that new descriptive terms may be provided by the Secretary and published in the FEDERAL REGISTER as provided in § 6.4 of this Specification without first publishing notice of the proposed change in the FEDERAL REGISTER. Amendments and revisions shall not apply to insulation manufactured prior to the effective date of the amendment or revisions.

TYPE STYLE GUIDE

'B = Megaron Bold



U.S. Department of Commerce
VOLUNTARY CONSUMER PRODUCT
INFORMATION LABELING PROGRAM
INFOTAG

Material as identified under section 6.1

Form as identified under section 6.2

Check recommended applications as identified under section 6.3

Area covered as determined under section 7.1

R value as determined under section 8.1

Thickness as determined under section 8.1

Pricing factor as determined under section 9.2

Resistance to surface flame spread as determined under section 10.1

Resistance to smoldering as determined under section 11.1

FSC number as determined under section 12.1

Check affected metals as identified under section 13.1

Name of participant as required under section 5.5

Thermal Insulation for Homes
Cellulose
Loose Fill for Blowing

For use in:

☒ Attic floors

☐ Basement ceilings

☐ Floors over crawl spaces

☐ Open walls

☒ Enclosed walls

CAUTION: Follow instructions. Proper installation is necessary for safety and effectiveness.

The contents of this package will provide:

An R value* of	And will cover (square feet)	To give a settled thickness of (inches)
3.8	186	1.0
13	53	3.5
21	33.8	5.5
30	23.6	7.9
40	17.7	10.5

*NOTE: A higher R value means less energy loss. Find the best R value for your location and home. For the best dollar value, compare fuel savings to insulation cost.

Price Comparison

The Price Comparison Numbers should be used to find your best value. To find the Price Comparison Number for this package, multiply **1.41** by the price per package

1.41 × Price of this Package = PRICE COMPARISON NUMBER

The smaller the Price Comparison Number, the less your cost for insulation.

Fire Resistance Ratings

Resistance to Surface Flame Spread

Resistance to Smoldering

The higher the number, the more resistant to burning. Remember, any material might burn under extreme conditions

Building Code Compliance

Some building codes and other regulations require that the FSC number not exceed a certain value. Check with your local authorities. The FSC number for this package is **45**

Corrosion

This material may corrode:

☐ Aluminum

☐ Copper

☐ Steel

☐ Galvanized steel

☒ None of these

Data on this label certified by:

Department of Commerce Mark as defined in section 3.8

Material as identified under section 6.1

Form as identified under section 6.2

Check recommended applications as identified under section 6.3

Area covered as determined under section 7.1

R value as determined under section 8.1

Thickness as determined under section 8.1

Pricing factor as determined under section 9.2

Resistance to surface flame spread as determined under section 10.1

Resistance to smoldering as determined under section 11.1

FSC number as determined under section 12.1

Check affected metals as identified under section 13.1

Name of participant as required under section 5.5

LABEL DIMENSIONS:
12 3/4 inches high
8 3/4 inches wide

TYPE STYLE GUIDE

'B = Megaron Bold

18 pt. 'B

14 pt. 'B

14 pt. 'B

14 pt. 'B

14 pt. 'B

14 pt. 'B

Type style to be selected by participant

FIGURE 1. LABEL FOR LOOSE FILL TYPE INSULATION

I-6

MB = Megaron Bold

U.S. Department of Commerce VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM INFOTAG							
Department of Commerce Mark as defined in section 3.8							
Material as identified under section 6.1	18 pt. MB						
Form as identified under section 6.2							
Check recommended applications as identified under section 6.3							
Area covered as determined under section 7.2 or 7.3	14 pt. MB						
R value as determined under section 8.2 or 8.3	14 pt. MB						
Thickness as determined under section 7.2 or 7.3	14 pt. MB						
Pricing factor as determined under section 9.2	14 pt. MB						
Resistance to surface flame spread as determined under section 10.1	14 pt. MB						
Resistance to smoldering as determined under section 11.1	14 pt. MB						
FSC number as determined under section 12.1	14 pt. MB						
Check affected metals as identified under section 13.1							
Name of participant as required under section 5.5							
<p>Thermal Insulation for Homes</p> <p>Mineral Wool Blanket Type</p> <p>• For use in: <input checked="" type="checkbox"/> Attic floors <input checked="" type="checkbox"/> Basement ceilings <input checked="" type="checkbox"/> Floors over crawl spaces <input checked="" type="checkbox"/> Open walls <input checked="" type="checkbox"/> Enclosed walls</p> <p>• CAUTION: Follow instructions. Proper installation is necessary for safety and effectiveness.</p> <p>• The contents of this package will provide:</p> <table border="1"> <thead> <tr> <th>An R value* of</th> <th>And will cover (square feet)</th> <th>To give a thickness of (inches)</th> </tr> </thead> <tbody> <tr> <td>19</td> <td>53</td> <td>6</td> </tr> </tbody> </table> <p>*NOTE: A higher R value means less energy loss. Find the best R value for your location and home. For the best dollar value, compare fuel savings to insulation cost.</p> <p>• Price Comparison The Price Comparison Numbers should be used to find your best value. To find the Price Comparison Number for this package, multiply .99 by the price per package $.99 \times \text{Price of this Package} = \text{PRICE COMPARISON NUMBER}$</p> <p>The smaller the Price Comparison Number, the less your cost for insulation.</p> <p>• Fire Resistance Ratings</p> <p>Resistance to Surface Flame Spread: .68 (less resistant to 0, more resistant to 1.0)</p> <p>Resistance to Smoldering: 8 (less resistant to 0, more resistant to 10)</p> <p>The higher the number, the more resistant to burning. Remember, any material might burn under extreme conditions.</p> <p>• Building Code Compliance Some building codes and other regulations require that the FSC number not exceed a certain value. Check with your local authorities. The FSC number for this package is 25.</p> <p>• Corrosion This material may corrode: <input type="checkbox"/> Aluminum <input type="checkbox"/> Copper <input type="checkbox"/> Steel <input type="checkbox"/> Galvanized steel <input checked="" type="checkbox"/> None of these</p> <p>Data on this label certified by:</p>		An R value* of	And will cover (square feet)	To give a thickness of (inches)	19	53	6
An R value* of	And will cover (square feet)	To give a thickness of (inches)					
19	53	6					

Type style to be selected by participant

FIGURE 2. LABEL FOR BLANKET, BATT, OR BOARD TYPE INSULATION

PERFORMANCE INFORMATION LABELING
SPECIFICATION FOR THERMAL INSULATION FOR
HOMES

APPENDIX A.—FORM FOR NOTIFICATION OF
DESIRE TO PARTICIPATE IN PROGRAM

Assistant Secretary for Science and Tech-
nology,
Room 3862,
U.S. Department of Commerce,
Washington, D.C. 20230.

(Insert name of prospective participant)
desires to participate in the Department of
Commerce Voluntary Consumer Product In-
formation Labeling Program (Program)
with respect to thermal insulation for
homes. If accepted as a participant in the
Program, (Insert name of prospective par-
ticipant) intends to label thermal insulation
offered for sale under the brand name(s)
(Insert name or names of brands to be la-
beled), effective (Insert date on which label-
ing will start).

If accepted as a participant in the Pro-
gram, (Insert name of prospective partici-
pant) agrees to:

- (1) Abide by all conditions imposed by the
Procedures for a Voluntary Consumer
Product Information Labeling Program,
15 CFR Part 16;
- (2) Abide by all conditions imposed by the
Performance Information Labeling
Specification for Thermal Insulation for
Homes;

- (3) Desist from using the Department of
Commerce Label and Mark if its partici-
pation in the Program is terminated.

.....
(Date)
.....
(Signature)
.....
(Signer's title)

[FR Doc. 78-14921 Filed 5-26-78; 8:45 am]

[3510-13]

VOLUNTARY CONSUMER PRODUCT
INFORMATION LABELING PROGRAM

Suspension of Fees for Participation

In a separate notice appearing in
this issue of the **FEDERAL REGISTER** the
Department of Commerce announces
for public comment a proposed Per-
formance Information Labeling Speci-
fication for thermal insulation for
homes (Specification) under the proce-
dures for a Voluntary Consumer Prod-
uct Information Labeling Program, as
amended (15 CFR Part 16; 42 FR
26647, dated May 25, 1977; 42 FR
57686, dated November 4, 1977; and 43

FR 8254 dated March 1, 1978) (Proce-
dures). Under section 16.6 of the Pro-
cedures the Secretary must announce
simultaneously with the publication of
the notice of the proposed Specifica-
tion her intention with respect to fees
and charges for participation in the
program for thermal insulation for
homes.

Accordingly, pursuant to § 16.6(d) of
the Procedures notice is hereby given
that the Secretary intends, at such
time as a final Performance Informa-
tion Labeling Specification for ther-
mal insulation for homes is issued, to
suspend all fees and charges for par-
ticipation in the program with respect
to thermal insulation for homes.

This notice is furnished for informa-
tion and guidance purposes only in
order that the public may evaluate the
proposed Specification in light of the
Secretary's intention announced
above.

Issued: May 23, 1978.

JORDAN J. BARUCH,
*Assistant Secretary for
Science and Technology.*

[FR Doc. 78-14922 Filed 2-26-78; 8:45 am]

Office of the Secretary

Consumer Product Information Labeling Program

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Suspension of the Consumer Product Information Labeling Program.

SUMMARY: Due to the current Government-wide effort to limit expenditures, particularly for new programs, the Consumer Product Information Labeling Program (CPILP) has been suspended, and the proposed CPILP labeling specification for thermal insulation for homes (43 FR 23488) has been withdrawn. This notice also is intended to serve as the annual report required by the CPILP procedures. A more comprehensive report of the CPILP experience is planned which will provide a useful basis for making decisions regarding future Federal Government plans or programs to provide performance-type labeling information on consumer products.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On May 25, 1977, the Department of Commerce announced in the Federal Register (42 FR 26647) procedures under which a voluntary Consumer Product Information Labeling Program (CPILP) would be administered by the Department. The goal of this program was to make available to consumers at the point of sale information about consumer product performance to facilitate the making of more accurate consumer purchasing decisions and enhance consumer satisfaction.

The program was instituted after considering the written statements and oral testimony received from 97 private citizens, consumer organizations, retailers, manufacturers, trade associations, testing laboratories, consulting organizations, educators, and government agencies. Although a majority of the commentators favored

initiation of the program, there was sufficient opposition, particularly from trade associations and manufacturers, that the Department of Commerce decided to institute the program on a one year pilot project basis. At the end of the year, the Department was to decide whether the program merited continuance.

Immediately after initiation of CPILP, consultations were held with groups of consumers and consumer representatives, manufacturers, retailers, and other Government officials to select appropriate products for labeling during the pilot phase. Suggestions and comments concerning CPILP were solicited from the public through the news media and via program pamphlets made available to the public through state and local Government consumer affairs offices, private consumer organizations, and some public libraries. During the period June 24, 1977 through June 30, 1978, 1,375 letters and postcards concerning CPILP were received from the public, a preponderance of them in support of the program. A total of 145 different products or product categories (e.g. automotive accessories, food, appliances, etc.) was suggested for inclusion in the program. Only 17 letters expressed opposition to the program.

Three factors were important in product selection for CPILP by the Department of Commerce: (1) the degree of interest expressed by consumers and consumer representatives in having more performance information for a particular product at the point of sale; (2) the degree of interest shown by manufacturers and retailers of that product in participating in the voluntary labeling program; and (3) the time and money required to solve the technical difficulties in testing the product for important performance characteristics and to design a label which accurately expresses the resulting information about the product in a manner understandable to consumers.

This last factor turned out to be more important during the pilot program than had been anticipated. No products of more than minimal interest to consumers could be identified that were essentially free of the technical difficulties mentioned above. Accordingly, an extension of the CPILP pilot period until September, 1979 was authorized by the Secretary. Questions of funding, however, were left unsettled.

Thermal insulation for homes was selected as the first product for which a CPILP label was to be developed. The Department of Commerce published a finding of need to label thermal

insulation, and set out the basis for such finding in the December 14, 1977 Federal Register (42 FR 62946). Consumer groups generally supported this product selection. As indicated below, not all insulation manufacturers were supportive. Technical questions also existed concerning the appropriate test methods for determining fire and corrosion characteristics of insulation.

There was the further complication that other Government agencies are considering issuing or have promulgated information disclosure requirements for thermal insulation attributes of interest to them. For example, the Federal Trade Commission has published a proposed Trade Regulation Rule (42 FR November 18, 1977, 59678) which would require labeled information in insulation packages for R value (thermal resistance) and area coverage. A revision of this proposed Trade Regulation Rule is contained as Appendix A in a Federal Trade Commission Staff Report which was announced in the Federal Register of July 25, 1978 (43 FR 32142). The Consumer Product Safety Commission has issued (42 FR August 8, 1978, 35240) an interim mandatory safety standard which requires a statement of compliance with the applicable Federal flammability standard on cellulose insulation labels. A proposed amendment to this interim standard was published in the Federal Register of September 6, 1978 (43 FR 39720). CPILP labeling specifications cannot take precedence over mandatory labeling requirements. However, the Department of Commerce believed it would be desirable to provide on a single label, of uniform format, mandated information and other information that would assist consumers to make an informed purchase. CPILP labels thereby were envisioned as a means for consolidating the various labeling requirements of different Federal agencies with other information which would help simplify product comparison at the point of sale. To this end, an amendment to the CPILP procedures was published in the March 1, 1978 Federal Register (45 FR 8254) Authorizing the inclusion on CPILP labels of information about performance characteristics which are included in the labeling programs of other Federal agencies, provided the other agencies agreed. On April 11, 1978 the Secretary of Commerce wrote to the heads of five other Government agencies requesting that, where information required by these agencies was shown on a CPILP label in a form acceptable to the requiring agency, the CPILP label be accepted as meeting disclosure

requirements of those agencies. The CPILP staff conferred frequently with the technical staffs of other agencies to coordinate label requirements for thermal insulation. Efforts to avoid undue multiplicity of Federal labeling requirements would have been continued if CPILP had not been suspended. Despite the suspension of CPILP, the Department of Commerce will cooperate with other agencies to facilitate the use of information and expertise gathered during the operation of CPILP.

The Department of Commerce published a proposed specification for labeling thermal insulation in the May 30, 1978 *Federal Register* (43 FR 23488). Interested parties were invited to comment. Forty-five letters were received. Whereas a few of the comment letters expressed only support for or opposition to the program, a large majority of the comments suggested changes to the proposed specification. Some of the proposed changes and the context in which they were presented suggested that many of the manufacturers which control much of the insulation market would be reluctant to participate in the program. Other letters from suppliers, who also proposed changes, were supportive in tone. On balance, it seemed probable that the proposed specification could readily be modified so that sufficient manufacturers would have participated in the program and thereby warrant continuance of the effort to develop labels for thermal insulation. However, this likelihood will remain conjectural as budgetary pressures have forced suspension of the program.

Due to the currently severe stresses upon the economy, and the Government-wide efforts to reduce Federal expenditures, FY-1979 CPILP funding had to be drastically reduced. These reduced funds would not have been adequate to: complete development of product labels; work with manufacturers in implementing the program; inform the public of the availability and proper use of the labels; monitor the program properly and conduct a meaningful evaluation of its merits. Therefore, the Department of Commerce decided to suspend the pilot program without publishing the final labeling specification for thermal insulation, which would have been the last procedural step prior to accepting insulation suppliers as participants in the program. A comprehensive report of the CPILP experience is planned which will provide a useful basis for making any decisions regarding future

Government programs for performance labeling of consumer products.

The Department of Commerce hereby suspends the Consumer Product Information Labeling Program and withdraws the proposed specification for Labeling of Thermal Insulation for Homes (43 FR 23488).

Issued: March 27, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

(FR Doc. 79-10043 Filed 3-30-79; 8:45 am)

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